

AN
HISTORICAL MEMORIAL
OF THE
NEGOTIATION
OF

FRANCE and ENGLAND,

From the 26th of MARCH, 1761, to the 20th of SEPTEMBER
of the same Year,

With the VOUCHERS.

Translated from the FRENCH ORIGINAL, published at PARIS by Authority.

L O N D O N:

Printed for D. WILSON, and T. BECKET and P. A. DEHONDT in the
Strand. MDCCLXI.

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From the MS. of M. de M... to the MS. of M. de M...
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Transcribed from the French Original, published in 1741 by A. de M...

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A N

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NEGOTIATION

O F

FRANCE and ENGLAND.

HIS Majesty thinks it consistent with his goodness and justice to inform his subjects of the endeavours he has used, and the sacrifices he resolved to make, in order to restore peace to his kingdom.

France, and the whole universe, will judge from a plain and faithful detail of the Negotiation, which has been carried on between the Courts of Versailles and London, which of the two Courts have been averse to the re-establishment of public tranquillity, and have sacrificed the common peace and welfare to their own ambition.

In order to form a clear and just opinion with regard to the Negotiation which has lately broken off between France and England, it is necessary to recollect the motives which occasioned the rupture between the two Crowns, and the particular circumstances, which have involved a considerable part of Europe in a war, which had at first America only for its object.

The limits of Acadia and Canada, which, by the treaty of Aix-la-Chapelle, were left to the discussion of commissaries to be named by the two Potentates, have served England as a pretence for commencing hostilities, and for taking two French ships, the *Alcide* and the *Lys*; while, in the midst of peace, and under the sanction of the law of nations, the Duke of Mirepoix, the French Ambassador, was treating at London in order to prevent a rupture, and to terminate those differences, which might have been easily accommodated at Aix-la-Chapelle, and which, while the peace subsisted, had met with the most unreasonable and extravagant opposition on the part of the English Commissaries.

The unexpected violence offered on the part of the English necessarily brought on the war : his Majesty found himself obliged, though with regret, to repel by force the indignity offered to France, and to prefer the honour of the nation to the tranquillity it enjoyed.

If the court of London had no other design than to establish the respective possessions of the two Crowns in North America upon a firm footing, she would have endeavoured to obviate, as France has done, every incident which might engage the Powers of the Continent of Europe to take part in a war which is absolutely foreign to them, and which in fact, having no other object but what relates to the limits of Acadia and Canada, could not last long, and did not require the interposition of any other Power. But England had more extensive views : she endeavoured to raise a general war against France, and hoped to renew the famous league which was formed against Lewis XIV. upon the accession of Philip V. to the throne of Spain ; and to persuade all the Courts of Europe, that they were as much interested in the limits of Acadia, as in the succession of Charles II.

The conduct of France, in consequence of the first hostilities in 1755, was very different from that of England : his Majesty pacified his neighbours, restrained his Allies, refused the advantageous prospect of a war, which was proposed to him on the Continent, and gave all the Powers to understand, that his sole ambition was to restrain his enemies, the English, within due limits, and to maintain peace and justice among the Powers, who ought to regard the differences respecting America with the most impartial neutrality.

The Court of London, to accomplish their ends, took advantage of his Majesty's equitable and pacific conduct. She knew that one of the Allies of France might prove a lively obstacle to the establishment of peace and tranquillity, and made no doubt, but, in securing that Ally, she should be able to make that House, which was considered as the antient rival of France, enter into all her views : but the Empress Queen of Hungary and Bohemia, animated by the same principles of equity of which his Majesty gave such laudable proofs, refused the proposals of England, and rather chose to run the risk of an unjust war, which was the natural and foreseen consequence of the treaty signed at Whitehall between the Kings of England and Prussia, than to engage in one contrary to the good faith of her Imperial Majesty.

His Majesty and the Empress-Queen, previous to the King of Prussia's invasion of Saxony, entered into an alliance on the 1st of May 1756, which was purely defensive. Their Majesties hoped, that their alliance would check the fire which was ready to kindle in Germany, and that it would prevent a war on the Continent of Europe. They were deceived in their expectations : the Court of London had armed the King of Prussia : nothing could restrain a Prince whose passion for war was unhappily violent : and he began it at the end of the year 1756, by the invasion of Saxony and the attack of Bohemia.

From that time two distinct wars subsisted ; one of France with England, and which at the beginning had nothing in common with the war in Germany ; and the other which the King of Prussia waged against the Empress-Queen, and in which

which the King of England was interested as an Ally of the King of Prussia, and his Majesty, as guarantee of the treaty of Westphalia, and, after his defensive treaty of the 1st of May, as an Ally of the Court of Vienna.

France was cautious, in the engagements she was constrained to make with the Confederate Powers, not to blend the differences which disturbed the peace of America, with those which raised a commotion in Europe. In truth, his Majesty having always made it his principal object to recal each Potentate to terms of reconciliation, and to restore public tranquillity, he judged it improper to blend interests of so distant and complicated a nature, as those of Europe and America would prove, were they to have been jointly treated of in a negotiation for a general and final peace. His Majesty proceeded farther, and with an intent to prevent a direct land war in Europe, he proposed the neutrality of Hanover in the year 1757; the King of England, Elector of Hanover, refused the proposition, and sent his son the duke of Cumberland, into his hereditary dominions in Germany, who, at the head of an army entirely composed of Germans, was ordered to oppose the march of those forces, which his Majesty, in pursuance of his engagements, sent to the assistance of his Allies who were attacked in their dominions.

The electoral army of Hanover finished the campaign of 1757, with the capitulation of *Closter-Seven*. The Court of London thought proper to break that capitulation, a few months after it had been concluded by the consent of the King of England's son; the chief pretence alledged was, that the army which had capitulated belonged to the Elector, and that the same army which, contrary to the right of nations and all military laws, re-entered into action, was from that time to be considered as a British army. From that moment, (and it is necessary to attend to this circumstance) the army commanded by Prince Ferdinand of Brunswick, is become an English army: The Elector of Hanover, the Duke of Brunswic, the Landgrave of Hesse, their forces and their countries, have been blended together in the cause of England; so that the hostilities in Westphalia and Lower Saxony have had and still have the same object as the hostilities in America, Asia and Africa; that is to say, the disputes subsisting between the two crowns concerning the limits of Acadia and Canada.

His Majesty consequently from that time being obliged to support a war both by sea and land against England his professed enemy, has afforded no farther succour of troops to his Allies to enable them to carry on their war in particular, but has only undertaken to preserve the places on the Lower Rhine for the Empress Queen, which were acquired by conquest from the King of Prussia, in the name of her Imperial Majesty. It would therefore betray ignorance of the most positive facts, to suppose that the war which is actually carried on in Westphalia, is for the interest of his Majesty's Allies; that war is purely English, which is carried on only because the army of England, in that part, defends the possessions of the King of Great Britain and his Allies.

We must conclude from what has been said with regard to the state of the two Belligerent Crowns, that the war of France with England is in fact, and in its origin, very distinct from that of the Empress against the King of Prussia: nevertheless

vertheless there is a connection between the two wars, which consists in the common engagement between the King and the Empress Queen, not to make a separate peace with the common enemy but by mutual consent. This engagement, which is so conformable to the sentiments of friendship and confidence by which their Majesties are united, was necessary for their reciprocal security. As it would be dangerous for the forces of the King of Prussia to join against France, with those of England, commanded by Prince Ferdinand, it would be equally prejudicial and contrary to the faith of his Majesty's engagements with the Court of Vienna, that the British army should join the King of Prussia against the Empress Queen, and against the Princes of the Empire who are in alliance with France.

Although the year 1758, produced no political event, which might give room to a negotiation for the re-establishment of peace, yet France, ever zealous to promote it with the same sincerity, made use of the mediation of Denmark to inform England of her perseverance in the same pacific dispositions; the answer from the Court of London was as haughty as it was negative, and destroyed all hopes of a negotiation.

In 1759, the Courts of London and Berlin transmitted the following declaration from the Hague, to the Ministers of France, Vienna and Russia.

No. I.

Declaration of their Prussian and Britannic Majesties.

‘THEIR Britannic and Prussian Majesties, touched with compassion, when they reflect on the evils which have been occasioned, and must still necessarily result from the war which has been kindled for some years past, would think themselves wanting to the duties of humanity, and particularly regardless of the interest they take in the preservation and welfare of their respective kingdoms and subjects, if they neglected to use proper measures towards checking the progress of this cruel pestilence, and to contribute towards the re-establishment of public tranquillity. It is with this view, and in order to ascertain the sincerity of their intentions in this respect, that their aforesaid Majesties have resolved to make the following declaration:

‘That they are ready to send Plenipotentiaries to any place which shall be judged most convenient, in order to treat, in conjunction, concerning a general and firm peace, with those whom the Belligerent Powers shall think proper to authorize on their side, towards the accomplishment of so salutary an end.

‘I certify, that the above Declaration is the same which was dispatched to me by the Earl of Holderness and the Baron Kniphauzen, in the name, and on the part of their Britannic and Prussian Majesties.’

Given at the Castle of Ryfwick, this 25th November 1759.

Signed L. D. de Brunswick.

This declaration made no mention either of Sweden, or of the King of Poland, Elector of Saxony, two Powers who were principally interested in the war.

France

France and her Allies were not aware of this proceeding of the courts of London and Berlin. They were obliged to wait for an answer from Petersbourg, in order to transmit in common a counter declaration, which the great distance between the countries obliged them to defer longer than France could have wished. At length it was transmitted in the following terms, and the Courts of London and Berlin never made any reply to it.

No. II.

Counter Declaration of His Most Christian Majesty.

THEIR Britannic and Prussian Majesties having thought proper to testify, by a Declaration which was delivered on their parts at the Hague, the 25th of November last, to the Ambassadors and Ministers of the Courts of Versailles, Vienna, and Petersbourg, resident with their High Mightinesses the States General of the United Provinces, that, from a sincere desire of contributing to the re-establishment of public tranquillity, they were ready to send Plenipotentiaries to any place which should be judged most convenient, in order to treat concerning that important object with those whom the Belligerent Powers should think proper to authorize on their parts, for the accomplishment of so salutary an end.

His Majesty the Most Christian King, her Majesty the Empress Queen of Hungary and Bohemia, and her Majesty the Empress of all the Russias, being equally animated with a desire of contributing to the re-establishment of public tranquillity, on a just and solid footing, do declare in return,

That his Majesty the Catholic King having been pleased to offer his mediation with respect to the war, which has subsisted some years between France and England; and this war having no object in common with that which has likewise for some years been carried on by the two Empresses with their Allies, against the King of Prussia;

His Most Christian Majesty is ready to enter into a treaty of peace with England, so far as it regards himself, through the good offices of his Catholic Majesty, whose mediation he accepts with pleasure.

With respect to the war which directly concerns his Prussian Majesty, their Majesties the Most Christian King, the Empress Queen of Hungary and Bohemia, and the Empress of all the Russias, are disposed to co-operate towards the appointment of the proposed congress; but as, by virtue of their treaties, they cannot enter into any engagements relative to peace, but in conjunction with their Allies, it will be necessary, in order that they may explain themselves precisely on this subject, that their Britannic and Prussian Majesties would first be pleased to send their invitation to the Congress, to all the Powers who are directly at war with the King of Prussia, particularly his Majesty of Sweden, as well as his Polish Majesty Elector of Saxony, who ought to be expressly invited to the future Congress.

In this Counter Declaration, France expressly separated her particular war with England, whether in Africa, Asia, America, or in Westphalia, from the war which was carried on in Saxony and Silesia. The King of Spain had then offered his good offices to bring about a reconciliation between France and England. The separation of the two wars, and the tender which his Catholic Majesty made of his good offices, induced the King to hope that the separate peace of France might be successfully negotiated at the Court of London. In consequence of this expectation, he ordered the Count D'Afry, his Majesty's Ambassador at the Hague, to enter into a conference with General Yorke, the Envoy Extraordinary from the King of Great Britain. Those two Ministers had several conferences, which evidently proved that the Court of London was extremely averse to an accommodation, and that the Declaration, which she caused to be transmitted by Prince Lewis of Brunswick (to put the most favourable construction on it) was no more than an external act of complaisance for her Allies, and that she absolutely never intended it should take effect.

His Majesty was not discouraged by the inflexibility he still experienced on the part of his enemies, from endeavouring to bring about a just accommodation. His Majesty, in 1761, thought proper to declare his sentiments, and pacific inclinations to his allies. He found them inclined to concur in any measures which might facilitate and accelerate the re-establishment of public peace, and in consequence of these salutary dispositions, all the Confederate Powers agreed to transmit the following declaration to London.

No. III.

The Declaration of his Most Christian Majesty.

‘ THE pacific dispositions which the Kings of England and Prussia expressed the last year, and which are conformable to the sentiments of all the Belligerent Powers, having met with some difficulties which have proved obstacles to their success, the Courts of France, Vienna, Petersburg, Stockholm and Warsaw, have unanimously agreed to invite those of London and Berlin, to the renewal of a Negotiation so expedient for the welfare of mankind, and which ought to interest all the powers at war in the cause of humanity.

‘ With this view, and in order to proceed towards the re-establishment of peace, they propose the meeting of a Congress, at which they think it will be convenient to admit, with the Plenipotentiaries of the principal Belligerent Powers, no other than those of their Allies. If the Kings of England and Prussia adopt this measure, his Most Christian Majesty, the Empress Queen, the Empress of Russia, the King of Sweden, and the King of Poland Elector of Saxony, propose the town of Augsburg, as the place of Congress, which they only point out as a town within the reach of all the parties interested, which by its situation seems to suit the convenience of all the States, and they will not oppose the choice of any other town in Germany, which their Britannic and Prussian Majesties may deem more convenient.

“ His Most Christian Majesty, the Empress Queen, the Empress of Russia and the Kings of Sweden and Poland, declare farther, that they have made choice of Plenipotentiaries, to whom they will commit their interests at the Congress, in expectation that the King of England, the King of Prussia, and their Allies, will speedily make choice of their respective Ministers, that the Negotiation may not be retarded.

“ The sincerity of this declaration, which the Courts of France, Vienna, Petersburg, Stockholm, and Warsaw have, out of regard to the general good, determined to make to the Courts of London and Berlin, gives them to hope that their Britannic and Prussian Majesties, will signify, by a speedy answer, their sentiments on a subject, so essential to the peace and welfare of Europe.

“ By order, and in the name of his Most Christian Majesty,
Signed, the Duke de Choiseul.”

This declaration, which concerned all the Allies in general, was not sufficient to put a stop to the miseries of war, so speedily as France could have wished.

In fact, what delays and perplexing incidents were not to be expected from a Congress at which the interests of America were to be treated of at the same time with those of the two Empresses, Sweden, Saxony, and the King of Prussia!

To remove these obstacles, the King, with the consent of his Allies, thought proper to press for a separation of the two wars, which had been agreed upon since the year 1759. In consequence of this intention, his Majesty caused a separate Memorial to be addressed to the Court of London, which was accompanied by a letter from the Duke de Choiseul, his Minister and Secretary of State for foreign affairs, to Mr. Pitt, Minister and Secretary of State to his Britannic Majesty.

No. IV.

Letter from the Duke de Choiseul to Mr. Pitt.

S I R,

“ THE King my Master, acting in conformity with the sentiments of his Allies, in order, if possible, to procure the re-establishment of a general peace, has authorized me to transmit to your Excellency the Memorial hereto annexed, which solely concerns the interests of France and England, with respect to the particular war between the two Crowns. The King has reason to hope, that the sincere manner in which he proposes to treat with his Britannic Majesty, will banish all mistrust in the course of the Negotiation, if it takes place, and will induce his Britannic Majesty to make the King acquainted with his real sentiments, whether with regard to the continuance of war, or with respect to the conclusion of peace, as well as in relation to the principles on which they ought to proceed, in order to procure this blessing to the two nations.

B

“ I will

I will add, that I am likewise authorized to assure your Excellency, that in relation to the war in which the King of Prussia is concerned, the Allies of the King my Master are determined to treat of their interests in the future Congress, with the same frankness and sincerity, of which I can give your Excellency assurance on the part of France; and that, so as not to depart from what is due to their dignity, their situation, and to the demands of justice, they will bring with them to the Negotiation all the acquiescence, which their humanity dictates for the general good of Europe.

The King my Master, and his Allies, do not doubt but that they shall find the heart of his Britannic Majesty and his Allies, impressed with the same sentiments. I esteem it a happiness that my office makes me the instrument of conveying such favourable sentiments, which give me an opportunity of assuring your Excellence, with what distinguished consideration I have the honour to be, &c.

No. V.

Memorial of the Christian King.

THE Most Christian King wishes that the separate peace of France with England could be united with the general peace of Europe, which his Majesty most sincerely desires to establish; but as the nature of the objects which have occasioned the war between France and England, is totally foreign from the disputes in Germany, his Most Christian Majesty has thought it necessary to agree with his Britannic Majesty on the principal articles which may form the basis of their separate Negotiations, in order to accelerate, as much as possible, the general conclusion of the peace.

The best method to accomplish the end proposed, is to remove those intricacies which might prove obstacles to its success. In the business of peace, the disputes of nations concerning their reciprocal conquests, the different opinions with respect to the utility of particular conquests, and the compensations for restitutions, generally form matter of embarrassment at a Negotiation of peace. As it is natural for each nation, with regard to these different points, to endeavour the acquisition of all possible advantages, interest and distrust occasion oppositions and produce delays. To obviate these inconveniences, and to testify the sincerity of his proceedings in the course of the Negotiation of peace with England, the Most Christian King proposes to agree with his Britannic Majesty, that, with respect to the particular war of France and England, the two Crowns shall remain in possession of what they have conquered from each other, and that the situation in which they shall stand on the 1st of September, in the year 1761, in the East Indies, on the 1st of July in the same year, in the West Indies and in Africa, and on the 1st of May following in Europe, shall be the position which shall serve as a basis to the treaty which may be negotiated between the two powers. Which shews that the Most Christian King, in order to set an example of humanity, and to contribute to the re-establishment of the general tranquillity, will make a sacrifice of those restitutions which

‘ which he has a right to claim, at the same time that he will maintain those
 ‘ acquisitions which he has gained from England during the course of the
 ‘ war.

‘ Nevertheless as his Britannic Majesty may think that the periods proposed of
 ‘ the 1st of September, July, and May, are either too near or too distant for
 ‘ the interests of the British Crown, or that his Britannic Majesty may judge
 ‘ it proper to make compensation for the whole, or for part of the reciprocal con-
 ‘ quests of the two Crowns, the Most Christian King will readily enter into Ne-
 ‘ gotiation with his Britannic Majesty in relation to these two objects, when he
 ‘ shall know his sentiments concerning them, the principal view of his Most
 ‘ Christian Majesty, being to testify not only to England, but to the whole
 ‘ world, his sincere disposition to remove all impediments which might defer the
 ‘ salutary object of peace.

‘ The Most Christian King expects, that the disposition of his Britannic Ma-
 ‘ jesty will be correspondent, and that he will, with equal sincerity, answer all
 ‘ the articles contained in this Memorial, in which the two Powers are so essen-
 ‘ tially interested.”

These pieces were dated the 26th of March. England had then conquered from France Isle Royal or Cape Breton, all Canada, the Isles of Guadaloupe and Marigalant, and that of Goree in Africa, with Senegal; Europe at that time was ignorant of the precise situation of affairs between the two Crowns in Asia, and the expedition against Belle-Isle had not then taken place.

France, on the other hand, had conquered the Island of Minorca, had repaired some parts of the port of Dunkirk, and in Germany were in possession of Hanau, the Langraviate of Hesse, and the town of Gottingen in the Electorate of Hanover. It is necessary to observe, that Cassel was besieged on the 26th of March, and that it was to be feared that on the 1st of May the King's forces would no longer be in possession of Hesse, and of the town of Gottingen.

Wesel and Gueldres could not be comprised in the offer of *Uti possidetis* which France proposed, because those two towns, and the countries dependant on them, appertain to the Empress-Queen: that the King has only the custody of them, and that justice is administred there in the name of her Imperial Majesty.

All Europe was astonished at the sacrifices which the King was disposed to make to England: his Majesty's Ministry were reproached on the part of those Courts who were most affectionate to France, and no one doubted but that England would prefer the quiet possession of her conquests, and the repose of her Allies in Germany, to the continuation of the war. The memorial of France, by establishing a fixed basis for the Negotiation, proposed to make necessary compensations for the advantage of the two crowns, and opened a way for the evacuation of Germany on the part of the French troops, in compensation of the conquests of England in America.

The full extent of the proposition contained in the Memorial of the 26th of March, addressed to Mr. Pitt, was known in France; but the King, like a true Father of his people, thought of nothing but their relief; and in consequence of

this sentiment, determined to adhere to the offers which seemed to him the most sure and ready expedients for inspiring his enemies with that spirit of reconciliation, which directed all his Majesty's wishes and measures.

Mr. Pitt answered the Duke of Choiseul's Letter, and at the same time sent him a Memorial, in answer to that of France of the 26th of March.

No. VI.

Mr. Pitt's Letter to the Duke of Choiseul.

S I R,

London, 8th April, 1761.

THE King my Master has authorized me to transmit to your Excellency, with all the dispatch which was found possible, the Memorial hereto annexed, in answer to that of the 26th of the last month, made by the order and in the name of his Most Christian Majesty, solely concerning the interests of England and France, relative to the particular war between the two Crowns, which was accompanied by a letter from your Excellency of the same date, transmitted to me by M. the Prince Galitzin.

His Majesty has published his real sentiments, with regard to the salutary business of Peace, with the sincerity which his Christian Majesty desires, and of which he himself set the example; the king my Master, on his part, desires nothing more than, by the sincerity of his conduct, to remove all distrust in course of the Negotiation.

I will likewise acquaint your Excellency, that the King learnt with great satisfaction, that your Excellency was authorized to give assurance that, in relation to the war which concerns the King of Prussia, the Allies of his Most Christian Majesty are determined to treat with the same openness and sincerity as the Court of France, and that they will bring with them, to the Negotiation at the future Congress, all the acquiescence which their unanimity dictates for the general good of Europe.

I must add that, with regard to the war which concerns the King of Prussia, as well as with respect to the other Allies of the King my Master, his Majesty, always constant in fulfilling the engagements of his crown with the most scrupulous exactness, can never fail to support their respective interests, whether in the course of the Negotiation, (which may God prosper) or in the continuance of the war, (if contrary to all expectation this misfortune should be unavoidable) with the cordiality and efficacy of a sincere and faithful Ally.

As to what remains, it is superfluous to mention to what degree his Majesty wishes for this speedy establishment of the general peace in Germany, after the distinguished proof his Majesty has given, in so readily consenting to the proposition of so distant a place as the town of Augsbourg for the meeting of the Congress.

Such

"Such are the sincere and upright intentions of the King my Master for the re-
 "establishment of the public tranquillity. I think myself happy in having the
 "charge of conveying such sentiments, and of having an opportunity of assuring
 "your Excellency of the distinguished regard with which I have the honour to
 "be, &c.

Signed W. Pitt.

No. VII.

The Memorial of his Britannic Majesty, of the 8th of April 1761.

"HIS Britannic Majesty, equally desirous with the Most Christian King, that
 "the separate Peace of England and France could be united with the gene-
 "ral peace, for which the King of Great Britain is so sincerely interested, that,
 "in regard to this point, he even means that the contests which might arise be-
 "tween the two Crowns concerning their particular differences, should not occa-
 "sion the least delay to the speedy conclusion of so salutary a work as the general
 "peace of Germany; and his Britannic Majesty is the more confirmed in this
 "sentiment, dictated by humanity towards so many nations, that he feels in all
 "its extent the proposition which the Most Christian King establishes as a funda-
 "mental principle; that the nature of the objects which have occasioned the war
 "between England and France, is totally foreign from the disputes in Ger-
 "many.

"In consequence of this incontestible principle, the King of Great Britain en-
 "tirely adopts the sentiment of his Most Christian Majesty, that it is necessary to
 "agree between the two Crowns on some principal articles, which may form the
 "basis of their particular negotiations, in order the more to accelerate the con-
 "clusion of a general peace."

"The King of Great Britain equally agrees in general to the proposition which
 "the Most Christian King has made with an openness, in which his Britannic
 "Majesty will concur throughout the course of the negotiation; that is to say,
 "that, in relation to the particular war between England and France, 1. The
 "two Crowns shall remain in possession of what they have conquered, one from
 "the other. 2. That the situation in which they shall stand at certain periods,
 "shall be the position to serve as a basis for the Treaty which may be negotiated
 "between the two Powers.

"With regard to the first branch of the aforesaid proposition, his Britannic Ma-
 "jesty takes pleasure in doing justice to the magnanimity of His Most Christian
 "Majesty, who, from motives of humanity, determines to sacrifice to the love
 "of peace, the restitution which he thinks he has a right to claim, maintaining
 "at the same time what he has conquered from England during the course of
 "the war.

"With respect to the second head of the aforesaid proposition, concerning
 "the reciprocal Conquests made by the two Crowns one upon another; that is to
 "say, That the situation in which they shall stand at the respective periods as-
 "signed

signed for the different quarters of the globe, shall serve as a basis for the said Treaty, the King of Great Britain again acknowledges with satisfaction the candour which is manifested on the part of his Most Christian Majesty in this article, by obviating, as he has done, the extreme difficulties, and by anticipating the indispensable objections, which could not but arise on such a subject; it being in fact self-evident, that expeditions at sea requiring preparations of long standing, and depending on navigations which are uncertain, as well as on the concurrence of seasons, in places which are often too distant for orders relative to their execution to be adapted to the common vicissitudes of negotiations, which for the most part are subject to disappointments and delays, and are always fluctuating and precarious: from whence it necessarily results, that the nature of such operations is by no means susceptible, without prejudice to the party who employs them, of any other epochas, than those which have reference to the day of signing the treaty of peace.

Nevertheless as this consideration, as well as that which respects the Compensations (if such shall be found proper to be made between the two Crowns) on account of their reciprocal Conquests, comprehend the most interesting and capital articles of the Treaty, and as it is upon these two decisive objects, that the Most Christian King voluntarily offers to enter into a Negotiation; the King of Great Britain, desiring to concur effectually with the favourable dispositions of the Most Christian King, in order to remove all impediments, which might defer the salutary object of peace, his Britannic Majesty declares that he is ready on his part to enter upon the proposed Negotiation with speed and sincerity. And more authentically to demonstrate to what extent the sincerity of his conduct proceeds, his Britannic Majesty declares farther, that he should be glad to see some person at London sufficiently authorized, by a power from the Most Christian King, to enter upon this subject with the British Ministers, in regard to the several articles contained in the Letter of the D. de Choiseul of the 26th of March 1761, to the Secretary of State of his Britannic Majesty, which points are so essentially interesting to the two Powers.

By the order, and in the name of the King of Great Britain my Master,
Signed W. Pitt.

The Letter of the English Minister shews, in appearance, an equal zeal with that of France, for the re-establishment of the Union between the two Crowns: it contains, moreover, a declaration in favour of the King of Prussia, which seems foreign to the purpose, and appears the more affected, as the King never testified the least desire to separate the alliance which united England to his Prussian Majesty.

The British Memorial, annexed to the letter of the English Minister, accepts the *Statu Quo*. but says nothing with regard to the epochas. In fact, it is concluding nothing with regard to that interesting and necessary object attached to the proposition of *Uti Possidetis*, to say that the peace shall be the epoch to fix the possessions of the two powers.

In the conclusion, England proposed the sending of a French Minister to London. This proposition gave a favourable omen of the dispositions of the British Court towards peace. The King ordered the D. de Choiseul to return an answer to Mr. Pitt, and to accompany it with a Memorial which, at the same time that it clearly expressed his Majesty's real sentiments, contained an acceptance of the proposal for sending a Minister to London, which required the reciprocity of dispatching an English Minister to France.

No. VIII.

Letter from the D. de Choiseul to Mr. Pitt.

S I R,

Verfailles, 19th April, 1761.

I Made the King my master acquainted with the letter which your Excellency did me the honour to write to me on the 8th instant, as well as with the Memorial thereto annexed.

His Majesty has remarked with real pleasure, the conformity of his Britannic Majesty's sentiments with his own, in regard to the sincere and open conduct which it becomes two such great Powers to observe in the Negotiation of a Peace.

The King has not delayed, Sir, the nomination of an Ambassador to represent him at the Congress at Augsburg. His Majesty has made choice of the Count de Choiseul, at present his Ambassador at Vienna, and he will repair to the town appointed, at the beginning of July, in the expectation which we entertain here, that his Britannic Majesty will send his Ambassador thither at the same time.

The King has commanded me, Sir, to observe on this occasion to your Excellency, in answer to the declaration contained in your letter, that his Majesty, as constant as any other Power, in fulfilling the engagements he has made with the Allies with the most scrupulous punctuality, will continue, with that fidelity which is consistent with the integrity and dignity of his character, to make his cause common with theirs, whether in the negotiation for the peace of Germany, or in the continuance of the war, if, to the misfortune of mankind, the favourable dispositions in which the Belligerent Powers are at present should not be attended with the success which is so earnestly desired.

I ought not, on this occasion, to omit informing your Excellency with what concern the King would see himself obliged to continue such a destructive war, after having entertained a confidence that all the parties were interested in putting a stop to the calamities it occasions.

As to what relates to the war in particular between France and England, I have annexed to this letter a Memorial in reply to that of your Excellency. We cannot be too zealous in explaining the upright intentions of our Masters, in order to remove, at the beginning of this interesting negotiation, those misunderstandings, which often augment, instead of lessening the delay.

You are a Minister, Sir, too enlightened, not to approve of this principle.

I have the honour to be, with most distinguished regard, &c.

Signed Le Duc de Choiseul."

No. IX.

The Memorial of his Most Christian Majesty of the 19th April, 1761.

“ THE Most Christian King perceives with satisfaction, that his Britannic Majesty agrees that the nature of the objects which have occasioned the war between France and England is totally foreign from the disputes which have given rise to the war in Germany; it is in consequence of this principle that his Most Christian Majesty offered the King of England to treat concerning the preliminaries relative to the particular interests of the two Crowns; but in making that proposition, the King of France, did not understand, as the beginning of the Memorial of London of the 8th of April seems to intimate, that the peace of Germany could take place, without the differences between France and England being adjusted. His Most Christian Majesty has sufficient confidence in his Allies to be certain that they will neither conclude a peace nor a treaty, without his consent. He did not understand therefore, that the peace of Germany could be concluded distinctly from that of France and England, and he only proposed to the King of England, to separate the discussion of the two wars, in order to bring about a general peace for all parties.

“ His Most Christian Majesty renews the proposition which he caused to be made in the first Memorial, that the two Powers should remain in *Statu Quo* with regard to their possessions and conquests, according to the periods stated in the said Memorial, but his Majesty observes, that the basis of the proposition is necessarily connected with the epochas proposed; for it is easy to conceive that such events may happen on either side, as may absolutely prevent an acquiescence to the *Uti Possidetis*, if the epochas are distant; and his Most Christian Majesty has the more reason to recal the whole proposition, if the King of England does not acquiesce to the epochas annexed to it, since no one can doubt but that those periods were proposed at a time when they were not advantageous to France.

“ It is certain that the reciprocal conquests cannot be ascertained but on the day of signing the peace; but it is no less certain, that it is impossible to fix the basis of a negotiation for peace, otherwise than according to the situation in which the Belligerent Parties stood at such or such a period of the war. This is the light in which the King of France understood the proposition which he made to the King of England; and it is upon this principle, if his Britannic Majesty adopts it, that his Most Christian Majesty will send a Minister to London with credentials, and charged with full power sufficient to treat with the Ministers of the King of Great Britain, either with respect to the ground of the dispute, or in regard to the compensations proper to be made to the two Crowns, as well as concerning the interests of their colonies and their commerce. The disposition of his Most Christian Majesty, to put an end to the miseries of war, which divides the two nations under their government, is equal to that of his Britannic Majesty; but as the zeal on both sides should be alike, at the same time that the Most Christian King shall send M. Bussy to London,

“ he

‘ he hopes that the King of Great Britain will send an English Minister to France,
 ‘ to treat concerning the same objects with his Ministry. His Most Christian
 ‘ Majesty expects the answer of his Britannic Majesty on the contents of this Me-
 ‘ morial, in order to expedite and receive the reciprocal and necessary passports.

‘ By the order and in the name of the King my Master,

‘ Signed Le Duc de Choiseul.’

Mr. Pitt’s answer contained a new Memorial on the part of England, in which their arguments with respect to the epochs were far from being just : for, altho’ France proposed, by the Memorial of the 26th of March, to negotiate with respect to the epochs, it was not the less certain, that the proposition of *Uti posside-dis* was connected with those epochs, whether the Courts agreed that they should be distant or near. In fact, if it should happen that they could not agree in that particular, it was evident that the proposition of *Uti possidetis* dropped with the Negotiation.

No. X.

Mr. Pitt’s letter to the Duke de Choiseul.

MONSIEUR,

Whitehall, 28th April, 1761.

‘ I Have laid before the King my master the letter which your Excellency did
 ‘ me the honour to write to me the 19th of this month, as also the Memo-
 ‘ rial which was annexed to it.

‘ His Majesty sincerely wishes to maintain an entire conformity of sentiments
 ‘ with his Most Christian Majesty, in relation to the uniform and direct method
 ‘ which it is proper to pursue in a Negotiation equally delicate and important.

‘ The King understands, Sir, with pleasure, that his Most Christian Majesty
 ‘ has made choice of the Count de Choiseul to represent him at the Congress at
 ‘ Augsburg, and that that Ambassador will repair to the destined town at the be-
 ‘ ginning of July ; and the King has charged me to inform your Excellency, that
 ‘ he has nominated the Earl of Egremont, Lord Viscount Stormont, and Sir
 ‘ Joseph York, to represent him at the said Congress, and that his Ambassadors
 ‘ will likewise repair to Augsburg at the beginning of July.

‘ It becomes me, on this subject, to acquaint your Excellency, that the re-
 ‘ gret of the King my master would not be less than that of the Most Christian
 ‘ King, to see the war continued in Germany, which is destructive to so many
 ‘ nations.

‘ I annex to this letter a Memorial, in answer to that of your Excellency of
 ‘ the 19th instant, in relation to the war in particular between Great Britain and
 ‘ France. It is true, Sir, the principle of removing misunderstandings in busi-
 ‘ ness, upon all occasions, cannot be too highly approved ; therefore it cannot
 ‘ escape the observation of your Excellency, that at the beginning of an accom-
 ‘ modation, unexpected alterations naturally have the effect of involving the over-
 ‘ tures in obscurity and uncertainty, rather than of introducing that perspicuity
 ‘ and confidence, so indispensable in a Negotiation between two such great

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‘ Powers.

‘ Powers. As the natural remedy against inconveniences of this nature seems to be the presence of reciprocal Ministers, who, treating by word of mouth, may give an explanation immediately on starting of a doubt, your Excellency will see by the Memorial hereto annexed, the disposition of his Majesty in this respect.

‘ I have the honour to be, with the most distinguished regard, &c.

‘ Signed W. Pitt.’

No. XI.

The Memorial of his Britannic Majesty of the 28th of April, 1761.

‘ **T**HE King of Great Britain, always influenced by the same desire of putting an end to the miseries of the war, which is unhappily kindled between Great Britain and France, has with pleasure concurred in every measure which tends to remove the obstacles which impede so salutary a work. It is with this view, that his Britannic Majesty will readily send Mr. Stanley to France, in the quality of his Minister, at the same time that the Most Christian King shall send Mr. Buffu to London.

‘ As to what remains, his Majesty does not find by the Memorial of the 26th of last month, made in the name of his Most Christian Majesty, that the ground of the proposition therein contained, concerning the reciprocal conquests, is necessarily connected with the periods proposed; quite on the contrary; it is expressly about those very periods that the Most Christian King offers to enter into a Negotiation. These are the express words: *Nevertheless, as his Majesty may think that the proposed periods of September, July, and May, may be either too near or too distant for the interests of the British Crown, or that his Britannic Majesty should think proper that compensation should be made for the whole or part of the reciprocal conquests of the two Crowns; upon these two points, the Most Christian King will readily enter into a Negotiation with his Britannic Majesty, when he shall be acquainted with his intentions.*

‘ It was in consequence of an offer so clearly expressed, and not capable of misconstruction, that his Britannic Majesty resolved to declare, that he was ready on his part to enter, with speed and sincerity, upon the proposed Negotiation. The King of Great Britain, persevering in his intentions, renews his former declaration; and his Britannic Majesty, to leave no doubt with regard to his inclinations, has forwarded the passport hereto annexed, and will be glad to receive one immediately in return from the Court of France, that, by means of a treaty by word of mouth, as well with respect to the grounds of the dispute, as in relation to the epochs, as also in regard to the compensation which may be agreed on between the two Crowns, they may be better able on both sides to clear up doubts, and remove all ambiguities from the Negotiation, which, in order to be effectual, should be conducted on both sides with sincerity, precision and expedition.

‘ By the order, and in the name of the King, my Master,

‘ Signed W. Pitt.’

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The passports for Mr. Buffy being arrived, the King ordered those necessary for Mr. Stanley to be expedited, and the dispatch of the respective Ministers for the important Negotiation on foot, was settled by the Letters here annexed.

No. XII.

Letter from the D. de Choiseul to Mr. Pitt.

S I R,

THE King, my Master, entirely adopts the principle advanced in the letter with which your Excellency honoured me on the 28th of last Month, as likewise in the Memorial thereto annexed, with respect to the necessity of dispatching respective Ministers, in order to elucidate a number of difficulties, which it is impossible to obviate by letters and memorials. I should nevertheless have been proud of the honour of negotiating so important an affair personally with your Excellency. No one has a higher confidence than myself in the integrity and the uncommon talents which your Excellency possesses, and I do presume, that the intentions of the Kings, our Masters, being at once determined on peace, the sagacity of your Excellency, joined to my zeal for so precious a blessing, would have smoothed all difficulties; but as our employs necessarily keep us at a distance from a personal Negotiation, M. de Buffy, who is used to transact business with me, will supply, near your Excellency, the desire I have of concurring in the salutary views of peace, which seem to animate all the belligerent Powers. I entreat your Excellency to grant him your favour, and I am certain that he will use his utmost endeavours to deserve it.

Your Excellency will see by my private letter, to which his Majesty's passports for Mr. Stanley are annexed, some precautionary arrangements, which I propose to be settled, in order to prevent the inconveniences which might arise on the first dispatch of the respective Ministers.

I have the honour to be, &c.

Signed Le Duc de Choiseul.

No. XIII.

Another Letter from the D. de Choiseul to Mr. Pitt, of the 4th May, 1761.

I Have received the passport of the King of Great Britain, which your Excellency did me the honour to send for M. Buffy, in the quality of Minister of the King, my Master; and I send you in return his Majesty's passport for Mr. Stanley, whom his Britannic Majesty has been pleased to appoint in order to come to this Court in the same capacity. I think it my duty, on this occasion, Sir, to make some observations, which seem to me necessary to warrant the execution of the commissions of those two Ministers.

1. The King thinks, that his Britannic Majesty will judge it convenient that the two Ministers should be charged with full power from the respective Courts to use upon occasion.

2. ' That the two Ministers should each of them have Letters of Credence from the Kings, their Masters, which they shall deliver to the respective Secretaries of State only; that is to say, in France, to the Minister and Secretary of State for the department of Foreign Affairs; and in England, to the Minister and Secretary of State for the Southern Department.

3. ' As his Majesty's intention is, that the English Minister shall enjoy the same privilege in France, as if the two Courts were in the midst of peace, as well with regard to the common intercourse of life, as in maintaining a correspondence with the Court of England and the other Courts of Europe, and lastly, for the dispatch of his couriers, and with respect to all the prerogatives and franchises in general incident to his character; his Majesty relies, that M. Bussy will absolutely enjoy the same rights, prerogatives, franchises and liberties, at London; it being understood nevertheless, that when one or the other are about to dispatch their couriers to their own or any other Court, they shall be obliged to require a passport from the Secretary of State in that department, which shall not be refused to them, any more than the necessary vessel to transport their couriers from France to England, and from England to France.

4. ' We desire to know when Mr. Stanley will be ready to leave London in order to repair to Calais, in order to direct M. Bussy's journey, so that he may repair to Calais at the same time, to be transported to England in the same vessel which brings Mr. Stanley over, if that is agreeable to the Court of Great Britain: if not, the King will keep a vessel, in the Port of Calais, which shall transport M. Bussy to England, in which case it will be proper to know what kind of vessel his Britannic Majesty will chuse to bring Mr. Stanley to Calais.

' I believe your Excellency will find these observations proper, and that you will send me your answer as soon as possible.

No. XIV.

Mr. Pitt's Answer to the Duke De Choiseul, of the 11th May, 1761.

' S I R,

' **T**HE King my Master has learnt with real satisfaction, by the letter which your Excellency did me the honour to write of the 4th of this month, that the sentiments of the Most Christian King are conformable to those of his Majesty with respect to the mutual dispatch of the Ministers from the two Courts.

' I hope your Excellency will be persuaded, that I have a lively sense of the value of those obliging sentiments with which you have been pleased to honour me, and that, conscious as I am of your superior qualities, which have engaged the approbation of every Court, I perceive in its full extent how flattering a circumstance it would have been for me to have had the honour of treating personally

sonally with your Excellency upon so interesting an object, and to have shared with you, in point of zeal for the prosperous conduct of the Peace, the satisfaction of co-operating more immediately to give the people assurance of the effects of the salutary dispositions of the Kings our Masters. I shall nevertheless take real pleasure, upon all occasions, to pay the respect due to M. Bussy's character, as well as to his merit; and I can assure you, Sir, that the happiness which that Minister has had, of being used to transact business with your Excellency, is an additional circumstance which cannot but interest me extremely in his behalf.

I am persuaded that Mr. Stanley, who is descended from an illustrious family, and who entertains noble sentiments, will use all his endeavours to merit the honour of your Excellency's esteem, and he wishes to be recommended to your favour.

You will see, Sir, by my private letter, the reflections which have occurred in relation to the precautionary arrangements, which your Excellency proposed to settle, and I hope that no farther impediments will remain on this subject.

I have the honour to be, &c.

Signed W. Pitt."

No. XV.

Another Letter from Mr. Pitt to the D. de Choiseul, of the 11th May, 1761.

S I R,

I Have received the three passports, which your Excellency has done me the honour to transmit for Mr. Stanley, in quality of Minister from the King my Master, and I in return transmit to you a second, which his Majesty has granted for the vessel which the Most Christian King shall think proper to order for transporting M. Bussy into England; and I annex the order to the Officers of the customs, for the free importation of the effects and baggage of the said Minister.

As to what relates, Sir, to the observations which you thought yourself obliged to make, to warrant the execution of the commission of those two Ministers, it is with great satisfaction I assure your Excellency, that the King, in conformity with the sentiments of his Most Christian Majesty, is of opinion,

1. That the two Ministers should be charged with ample power from the Kings their Masters, to make use of as occasion shall offer.

2. That the two Ministers ought, each of them, to have Letters of Credence from their Majesties, which they shall not need to deliver but to the Secretaries of the respective States, in the manner specified by your Excellency.

3. ' It is the intention of his Majesty, that M. Buffy should absolutely enjoy in England, the same rights, prerogatives, franchises and liberties, as if the two Courts were in the midst of peace, and which Mr. Stanley, in pursuance of the intention of his Most Christian Majesty, is to enjoy in France; and that as to the dispatch of Couriers, as well as every thing else which concerns the two Ministers, the tenor of the third Article of Observations relative to this head, shall be observed in every respect.

' As to what remains, concerning the time of the departure of the said Ministers, as also concerning the manner of their crossing the sea, the King is of opinion, that in order to obviate all difficulties, Mr. Stanley and M. Buffy may respectively repair to Dover and Calais, to cross the sea each of them in a vessel appertaining to their own nation, which the Kings their Masters shall keep ready for that purpose in the two ports aforesaid. It is in confidence of this disposition, that I am obliged to acquaint your Excellency, that the King will dispatch Mr. Stanley from London, so that he may reach Dover on the 23d of this month, unless we learn that a time so near at hand should be inconvenient to the Court of France; and the King my Master relies, with full confidence, in M. Buffy's repairing to Calais on the aforesaid day, that the two Ministers may cross the sea without delay, as far as the circumstances of wind and navigation will permit them. I will add to your Excellency, that Mr. Stanley will make use of a packet-boat from Dover, and that M. Buffy may cross from Calais to England in whatever vessel his Most Christian Majesty shall judge convenient.

' I flatter myself that your Excellency will find that these arrangements will equally facilitate the method of the two Ministers repairing to their reciprocal destinations without inconvenience.

' I have the honour to be, &c.

" Signed W. Pitt."

The Courts in alliance with France, without opposing this Negotiation with the Court of London, expressed great uneasiness at the reciprocal dispatch of the two Ministers: they were encouraged, however, by the promise which the King made to them, of communicating with the utmost confidence, a detail of the several objects which should be treated of, either at London or Versailles. In the Declaration made to them on the part of the King, they at once admired his Majesty's steadiness to his engagements, and that generosity with which he determined to sacrifice his personal interests, in order to come to a speedy and firm reconciliation with England.

M. Buffy set out for London: his instructions were extremely simple: the basis of them regarded the proposition of *Uti Possidetis*, and he was enjoined,

1. To demand of the British Minister, whether the King of England accepted of the periods annexed to the proposition of *Statu Quo*, and if his Britannic Majesty did not accept of them, What new periods he proposed to France?

2. To declare to the Court of London, That the war which the King waged against England, was entirely distinct from that of the Empress Queen against the

the King of Prussia, and that consequently, except as to Wesel and Gueldres, which appertained to her Imperial Majesty, the King was at liberty to cause his forces to evacuate Gottingen, Hesse, and the county of Hanau, but that his Majesty made this evacuation to depend on two conditions: First, That the Court of England should give proper security, that the army commanded by Prince Ferdinand should be disbanded, and not serve against the King's Allies. Secondly, That his Britannic Majesty would agree on some restitution which should be judged reasonable on the part of England, as a compensation for the French troops evacuating Gottingen, the Landgraviate of Hesse, and the county of Hanau.

Mr. Stanley arrived at Marly at the same time that Mr. Bussy arrived at London. The English Minister, at the very first conference, declared in the name of his court, that the King his Master would support his Allies with *Efficacy and good Faith* (These were the terms he made use of.) The King's Minister who conferred with Mr. Stanley, answered him by a Declaration equally precise, with respect to his Majesty's intention to fulfil his engagements with regard to the Allies of France: but as the Peace between the Empress Queen and the King of Prussia was to be negociated at the Congress at Augsbourg, which was fixed for the pacification of Germany, the D. de Choiseul observed that the differences between her Imperial Majesty and the King of Prussia were by no means the subject on which the French and English Ministers were reciprocally dispatched.

The subsequent conferences passed in discussing the periods fixed in the Memorial of the 26th March; but the English Minister, both at London and at Paris, eluded giving any positive answer on that subject.

It is necessary to observe, that the British Court had resolved on the enterprize against Belleisle, since the Memorial of the month of March. The expectation of success from that Expedition, no doubt retarded, on their part, a categorical answer in relation to the epochs.

Mr. Pitt, being pressed on that subject by M. Bussy, had shewn himself averse from declaring any thing decisive; on which his Majesty wrote to his Minister at London, to elucidate and fix precisely the basis of the Negociation, relative to the *Uti Possidetis* and the epochs, and by that means to accelerate the Negociation of peace. The island of Belleisle was taken: Mr. Pitt then gave M. Bussy the Memorial here annexed.

No. XVI.

The Memorial of the British Minister of the 17th June 1761.

MR. Stanley having represented by his letter of the 8th of June, that the D. de Choiseul, in the course of their conferences, had agreed *That the epochs must still remain a matter of Negociation, but that his Excellency nevertheless was of opinion, that in the present state of that affair, according to the natural and usual course of things, his Most Christian Majesty having already named the 1st of September, July, and May, his Britannic Majesty should proceed, either by accepting of those days, or by naming others more agreeable to his intentions, which were probably regulated by preparations and designs of which the Court of France was ignorant;*

‘ norant ; that this method appeared to him more likely to expedite the business than the making of re-iterated propositions on their part, which could only be grounded on mere conjecture. It is upon this footing, that, in order to make a return to the above invitation on the part of France, as well as in consequence of his Majesty’s having accepted the proposition of the said Court of the 26th March last, his Majesty offers to agree with the Most Christian King, that the first day of July, September and November following, shall respectively be the different periods or epochs, to fix the *Uti Possidetis* which France has proposed to make the basis of the treaty which may be negotiated between the two Powers. All other conquests made beyond those periods shall be mutually restored. But as his Majesty is of opinion that epochs which have no reference to the actual signature of something obligatory between the two Crowns, must necessarily be only a vain illusion, void of use or reality ; or that it might even happen that in the end they may prove the source of intricate disputes, and dangerous and captious altercations ; and the King having no other view but to concur with the upright intentions of his Most Christian Majesty, in accelerating and confirming the blessing of peace to both nations, his Majesty only offers to agree to the aforesaid epoch, on the two following conditions :

‘ 1. That every thing which shall be happily adjusted between the two Crowns, in relation to their particular war, shall be made obligatory, final, and conclusive, independent of the fate of the Negotiation at Augsbourg, which is to compose and terminate the disputes of Germany, and to re-establish a general peace.

‘ 2. That the said definitive Treaty of Peace between Great Britain and France shall be concluded, signed and ratified, or preliminary articles to that end, between this and the first of August next.

‘ The Restitution of the prizes taken at sea, shall be regulated according to the respective terms which are usual for different parts of the globe ; which terms are to be computed from the day of the signature of the said definitive treaty, or of preliminary articles of peace, in case a ratification ensues.

‘ The King desiring farther to facilitate the salutary work of Peace, as far as reason and justice will admit, declares moreover, that with regard to Belleisle, his Majesty will agree, in the said future Treaty, to enter into compensation for that important conquest.

‘ With regard to farther compensations for any part of the other conquests made by the Crown of Great Britain, his Majesty reserves himself, till he shall learn what are the Most Christian King’s desires in that respect, which when he shall know, his Majesty will open himself with perfect sincerity and good faith.’

We see by this Memorial, the epochs which England required to determine the *Uti possidetis*, were farther distant by two months than those offered by France ; and it was evident that as the enterprize against Belleisle had determined England to defer her answer with regard to the epochs, so the success of that expedition had made them resolve to fix the term of July for Europe, specified in the
English

English Memorial, instead of May, which was proposed by the French Memorial.

England made the epochs she assigned depend on two conditions. The first of those conditions departed both from the letter and the spirit of the Memorial of the 26th of March: for although France had proposed to treat of a peace separately with England; nevertheless his Majesty's intention was not regulated by this principle of the negotiation, that peace could be concluded with England, without providing for the peace of Germany. In fact, the Memorial of the 26th March, from which the Court of England drew such advantageous arguments, opened with this expression, *The Most Christian King is desirous that the particular peace of France with England should be united with the general peace of Europe.*

The second condition, with respect to discussing and settling the Articles, so that they might be signed and ratified by the 1st of August, was very difficult to be fulfilled in regard to a War, which extended over the four quarters of the globe, this condition proposed by England not being known to France till the end of June.

France returned no specific answer to the Memorial of the Court of London; but verbally acquiesced, as far as possible, to the second condition: and with regard to the first, the King required the consent of the Court of Vienna, to conclude a separate peace with England. This Consent was necessary, since, from the beginning, as is before mentioned, it was agreed between her Majesty and his allies, that they should treat of peace separately; but that all the belligerent parties should come to a conclusion together.

Though the Empress Queen was perfectly sensible of the prejudice which the alliance might sustain by a negociation in Germany, at a time that France was at peace with England; yet her Imperial Majesty, to oblige the King, agreed, on this occasion, to sacrifice her own interest to the desire which his Majesty expressed for the establishment of peace. This princess consented to the separate accommodation of France with England, upon this express and equitable condition, that nothing should be therein stipulated, which might be contrary to the interest of the House of Austria.

The conclusion of the British Memorial contained a Proposition for France to make some overtures with regard to the compensations. The King availed himself of this intimation, and ordered a Memorial to be prepared, including specific propositions, which put the negotiation in a proper train, and fixed its basis on express and determinate points.

France was perfectly sensible how disadvantageous it was to her, to make her enemies acquainted with the favourable conditions which it was agreed to allow them, in order to succeed in the re establishment of peace: she was conscious, that it was just and reasonable for France, who made the first proposition of *Uti possidetis*, to wait till England explained herself concerning the Compensations: but she flattered herself, that England was sincerely desirous of re-establishing the union between the two Crowns; and the advantages, which would redound to England from the offers of France, were so visible and extensive, that there was no suspicion that the Court of London would increase the difficulties of a nego-

ciation, which France was zealous to terminate without delay, and to the satisfaction of the two powers.

Before a Memorial of propositions was sent in form to the court of London, his Majesty's Minister, entrusted to confer with M. Stanley, gave him previous assurances of the sacrifices which his Majesty had resolved to make. He authorized him to write word, that France would guaranty the possession of Canada to England, provided that England would restore to the King the island of Cape Breton, and confirm the right of the French to fish, and dry their fish, in the gulf of St. Lawrence, upon the coast, and in the island, of Newfoundland. As the island of Cape Breton, if fortified, might afford England matter of jealousy, the French Minister told M. Stanley, that the King engaged to destroy all the fortifications which might remain in that island, and not to erect any new ones upon any pretence whatever. The port of Louisbourg being to be considered only as a shelter for the fishermen in the gulf of St. Laurence, and on the coast of Newfoundland, France offered to restore the island of Minorca to England, provided they would give up the islands of Guadaloupe and Marigalante in return.

With regard to the East Indies, they proposed that the treaty of the Sieurs Godeheu and Saunders, made in the year 1755, should be confirmed. That treaty, although advantageous to the English Company, was judged to be most effectual for maintaining peace between the two Companies, and to recal them to views of commerce much more analogous to their reciprocal interests, than prospects of conquests, which had hitherto kept them at variance.

With respect to Africa, France required that England should restore either Senegal or Goree, and on those conditions the King declared that he would evacuate Gottingen, Hesse, and the county of Hanau, would withdraw his forces upon the Rhine and the Maine, and would leave no French troops in Germany but in proportion to what troops of the enemy remained assembled in the British army at Westphalia.

Mr. Stanley took notes of these overtures which were made by the D. de Choiseul, who told him moreover that the propositions made to the English Minister, could only be considered as intimations of conditions which might possibly be agreed to, and as preliminary steps to the Memorial which France determined to transmit to the Court of London in form, if the points discussed in the conference of the D. de Choiseul with Mr. Stanley should be thought proper to serve as a basis for the Negotiation of peace.

The answer from England arrived the 30th June. Mr. Stanley had a conference with the D. de Choiseul respecting this answer; and in the course of that conference, he started three difficulties on the part of his Court. The first concerned Cape Breton. England absolutely refused to cede that island to France, even upon the condition, that no military establishment whatever should be kept on foot there. Mr. Stanley intimated that his Court had no intention of restoring any island or port in the Gulf of St. Laurence, or within reach of that Gulf. He added, that England would make no difficulty of allowing the liberty of fishing and drying the fish on the shores and coasts of Newfoundland; but

but that this would be granted on condition that Dunkirk was demolished, as it was stipulated to have been by the treaty of Utrecht.

Till this moment, no mention had been made of Dunkirk, either in what had passed by word of mouth, or in writing, with relation to the peace between the two Crowns.

In fact, it was unjust to insist on this article, since the Court of London, having had this principle established, in treating of peace, to adhere to the Memorial of *Uti possidetis* of the 26th March, they could not pretend that the present state of Dunkirk was comprized in the *Uti possidetis* of France.

The liberty of fishing, and the shelter without fortifications, was the compensation for the cession of all Canada, and of the guaranty which France offered to make to England of that considerable part of North America. The restitution of the island of Minorca was certainly equivalent to the cession of Guadaloupe and Marigalante; and the evacuation of Hesse and the other countries appertaining to the Elector of Hanover and to the Landgrave, was compensated by the restitution of Senegal and Goree, and of Belle-Isle, which had been conquered since the Memorial of the 26th March, and after the proposition of the epochs proposed in that Memorial.

Besides, France had declared, at the time of taking Belle-Isle, that she did not understand that conquest was to have been an object of compensation, and that she thought the keeping of Belle-Isle would be more expensive than profitable to England.

Mr. Stanley, in opposing the cession of Isle Royal to France, absolutely refused the restitution of Senegal and Goree, pretending that Senegal could not be securely maintained without Goree; in the end, he insisted on the demolition of Dunkirk as a condition absolutely necessary. The article relating to Germany was not negotiated on his part; and after several conferences it was agreed that France should prepare a Memorial of specific propositions, which should be sent to England. The Memorial was drawn, and is here annexed.

No. XVII.

The French Memorial, 15th July, 1761.

‘ **T**HE Negotiations of peace entered upon between France and England, have proved that the Sovereigns sincerely wish to re-establish that union and amity, so agreeable to humanity, between the two Crowns; and the resolution in which the King concurs, in conjunction with his Britannic Majesty, to terminate by a precise and durable treaty, the differences which have occasioned the present war, has determined his Majesty, always maintaining the spirit and letter of the declaration of the 26th March last, in relation to the means of procuring peace, to explain more precisely by this Memorial, the conditions which appear to him most proper to accomplish the desirable end which influences him as well as the King of England.

‘ But the King declares at the same time, that he entrusts this proposition with the King of Great Britain, that if it should not be accepted by his Bri-

‘ tannic Majesty, or should not serve as a Basis for the Negotiation of the future
 ‘ peace, the Court of London shall in no circumstances take advantage of it,
 ‘ the said proposition made in confidence to the King of Great Britain having
 ‘ no other object than the accelerating of a Negotiation in which the two Crowns
 ‘ are so much interested.

‘ The *Uti possidetis* expressed in the declaration of the 26th March, is adopted
 ‘ on both sides; it would be difficult for either party to reject it; for though it
 ‘ was not expressed, it is properly according to what they possess only either law-
 ‘ fully or by conquest, that the parties can negotiate together concerning peace,
 ‘ and the compensations requisite for that purpose.

‘ The periods of the *Statu Quo*, which form the second essential article in the
 ‘ declaration of the 26th March, and which have remained in Negotiation be-
 ‘ tween the two Courts, have not yet been settled. The Court of France has
 ‘ proposed the epochs of May, July and September; that of England has pro-
 ‘ posed the epochs of July, September and November. That question will be
 ‘ determined without farther Negotiation, if the scheme of the following treaty
 ‘ is adopted by the Court of London, for then all the epochs will be valid, as
 ‘ that of the peace will unite the sentiments and opinions of the two Kings.

‘ It is the compensations therefore which will determine the epochs and the
 ‘ peace, and it is to settle them that his Majesty proposes the following articles
 ‘ to the King of Great Britain.

Article I.

‘ The King cedes and guaranties Canada to the King of England, such as
 ‘ it has been and in right ought to be possessed by France, without restriction,
 ‘ and without the liberty of returning upon any pretence whatever against this
 ‘ cession and guaranty, and without interrupting the crown of England in the
 ‘ entire possession of Canada.

II.

‘ The King, in making over his full right of sovereignty over Canada to the
 ‘ King of England, annexes four conditions to the cession. First, that the free
 ‘ exercise of the Roman Catholic religion shall be maintained there, and that
 ‘ the King of England will give the most precise and effectual orders that his
 ‘ new Roman Catholic subjects may, as heretofore, make public profession of
 ‘ their religion, according to the rites of the Roman Church.

‘ Secondly, that the French inhabitants or others, who have been subjects of
 ‘ the King in Canada, may retire into the French colonies with all possible free-
 ‘ dom and security; that they may be allowed to sell their effects, and to trans-
 ‘ port their property as well as their persons, without being restrained in their
 ‘ emigration, on any pretence whatever (except for debt;) and the English go-
 ‘ vernment shall engage to procure them the means of transportation at as little
 ‘ expence as possible.

‘ Thirdly,

‘ Thirdly, that the limits of Canada, with regard to Louisiana, shall be clearly and firmly established, as well as those of Louisiana and Virginia, in such manner, that after the execution of peace, there may be no more difficulties between the two nations, with respect to the construction of the limits with regard to Louisiana, whether with respect to Canada, or the other possessions of England. N. B. M. Buffy. has a Memorial on the subject of the limits of Louisiana, which gives him power to come to a final treaty on that article with the Ministry of his Britannic Majesty.

‘ Fourthly, that the liberty of fishing, and of drying their cod-fish on the banks of Newfoundland, may be confirmed to the French as heretofore : and as this confirmation would be illusory, if the French vessels had not a shelter in those parts appertaining to their nation, the King of Great Britain, in consideration of the guaranty of his new conquests, shall restore Isle Royal, or Cape Breton, to be enjoyed by France in entire sovereignty. It is agreed, to fix a value on this restitution, that France shall not, under any denomination whatever, erect any fortifications on the island, and shall confine herself to maintain civil establishments there, and the port for the convenience of the fishing vessels landing there.

III.

‘ France shall restore to England the island of Minorea, and Fort St. Philip, in the same condition it was in when it was conquered by the King’s forces, together with the artillery belonging to England, which was in the fort at the time of taking the island.

IV.

‘ In consideration of this restitution, England, in her turn, shall restore to France the island of Guadaloupe and Marigalante; and those two islands shall be ceded in the same condition they were in at the time they were conquered by the arms of England.

V.

‘ The islands called neuter, are Dominica, Saint Vincent, Saint Lucia, and Tabago. The two first are occupied by the Carribees, under the protection of France, according to the treaty of 1660 : they shall remain in the condition they have been since that treaty.

‘ The Crown of England has not yet shewn any title, which gives them a right over the two last ; nevertheless, it shall be a matter of negotiation between the two crowns, either that the four islands shall remain absolutely neuter, or that the two possessed by the Carribees alone shall be declared neuter ; and that England shall enter into possession, as sovereign, over the island of Tabago, in the same manner as France over that of St. Lucia, saving, at all times, the right of a third person, with whom the two crowns will explain themselves, if such a right exists.

VI.

‘ It would be advantageous for the companies of the two nations in the East-Indies, to abstain for ever from all military views and conquests, to restrain themselves, and mutually to assist each other in the business of commerce, which more properly belongs to them. The precise situation in which the two nations stand, is not known in France: wherefore the King, in order to confine himself, in that respect, to the object most useful, both for the present and hereafter, to the two companies, proposes to the King of England the treaty concluded between the Sieurs Godeheu and Saunders, as a basis for the re-establishment of the peace of Asia.

VII.

‘ The colonies of South America, in possession of the French, necessarily require negroes to cultivate them; the French settlements of Senegal and Goree supplied the wants of the French colonies in this respect. England, in keeping those settlements, would prejudice France, without procuring any positive advantages for herself; and the union which the two Sovereigns so sincerely wish to establish between the two Crowns, leaves no room to suppose that the Court of London has any such intentions of mischief. Nevertheless, France, with a view to the blessings of peace, offers England the choice of the possessions of Senegal or Goree, meaning that one or the other possession shall be restored and guaranteed to the King by his Britannic Majesty.

VIII.

‘ The Island of Belle-Isle and the fortress conquered by the arms of England shall be restored to France, together with the artillery therein at the time of the conquest.

IX.

‘ In consideration of the 8th Article to be granted by England, the King will cause his forces in Germany to evacuate the Landgraviate of Hesse, the county of Hanau, as well as the town, which shall not be occupied by the troops of either Power, leaving the navigation of the Maine free, and those parts of the Electorate of Hanover occupied by the French troops; and these evacuations shall be preceded by a suspension of arms between the two Crowns, which suspension of arms shall take place from the day of the ratification of the preliminaries, or the Article of the Definitive Treaty, not only in Germany, but in all parts of the world where France and England are at war.

X.

‘ As the King is under an engagement with the Empress Queen, to stipulate nothing in his Treaty of Peace with England which may be disadvantageous to her Imperial Majesty, and as it was foreseen that, in case of a suspension between the French and British forces, the German troops in the pay of England might join those of the King of Prussia against the Austrian armies, the King, faithful to his engagements with his allies, and very far from intending to settle any thing to her prejudice, proposes to the King of England, that

‘ that it may be agreed between them, that his Britannic Majesty will undertake
 ‘ that no part of the forces which compose Prince Ferdinand’s army, shall,
 ‘ under any pretence whatever, or under any denomination, join the army of
 ‘ his Prussian Majesty, or act offensively against the Empress Queen or her allies;
 ‘ and in like manner, no French forces, under any pretence, shall join the Im-
 ‘ perial army, or serve against the Allies of Great Britain. To ascertain these
 ‘ positions, it shall be farther concluded, that after these evacuations, the army
 ‘ of the Upper Rhine, commanded by Marshal Broglio, shall retire towards the
 ‘ Maine, the Necker and the Rhine, occupying Francfort; and that of the
 ‘ Lower Rhine commanded by Marshal Soubise, shall, on the other side, retired
 ‘ towards the Rhine, occupying Wesel and Guelders.

‘ The countries belonging to the King of Prussia, on the Lower Rhine, have
 ‘ been conquered, and are actually governed in the name of the Empress Queen:
 ‘ the King would not undertake to evacuate them without the consent of her Im-
 ‘ perial Majesty, and before the success of the Negotiations at the Congress at
 ‘ Augsbourg, which is to restore Peace between the Empress and the King of
 ‘ Prussia; but as it would be disadvantageous to the two Crowns to maintain a
 ‘ considerable body of national forces in Germany, which, in time of peace,
 ‘ would remain in absolute inactivity, and, by the Conventions of the Treaty,
 ‘ would become useless in every respect to the Allies of France and England, the
 ‘ King undertakes, that, from the time that his Britannic Majesty do recal the
 ‘ English whom he has sent to his army in Germany, he will cause double the
 ‘ number of French forces in his Majesty’s armies on the Upper and Lower
 ‘ Rhine to return to France, so that no French troops shall continue in those parts,
 ‘ but in proportion to those which the King of England shall keep in pay.

XI.

‘ If before the execution of the Treaty, one of the two Powers should make
 ‘ any conquests, in whatever part of the world it be, they shall be restored
 ‘ without hesitation, and without requiring any recompence.

XII.

‘ The captures made at sea by England before the declaration of the war,
 ‘ are objects of legal restitution, and which the King will willingly submit to the
 ‘ justice of the King of England and the English tribunals; in fact, subjects,
 ‘ who under the faith of treaties, the law of nations, and in time of peace, fol-
 ‘ low their trade and navigation, cannot with justice become sufferers by the
 ‘ misunderstandings subsisting in the cabinets of the two Courts, before they have
 ‘ any intimation of it. Declarations of war are established by the law of nations,
 ‘ for no other purpose, but to make public to the people the contests between
 ‘ their Sovereigns, and to give them warning, that their persons and fortunes
 ‘ are in danger from an enemy. Unless such declaration is agreed upon, there
 ‘ can be no public security; every individual would be in danger, or in fear,
 ‘ every moment that he stepped beyond the limits of his own country. If these
 ‘ principles are incontestible, nothing remains but to examine the date of the de-
 ‘ clARATION

‘ declaration of war, between the two Crowns, and the date of the Captures ; all
 ‘ that has been taken prior to the declaration, cannot be adjudged lawful prize,
 ‘ without overthrowing the most salutary laws ; it will be in vain to alledge that
 ‘ the French began hostilities, and that the captures were taken by way of re-
 ‘ prizal. What connection can there be between supposed hostilities offered at
 ‘ Fort Duquesne, and the capture of trading vessels in the south part of Amé-
 ‘ rica ? These hostilities are the motives for the Declaration of War ; but the ef-
 ‘ fects of that Declaration cannot take place, till after the said Declaration is
 ‘ made public ; and it would be unjust to make individuals sustain a loss, who
 ‘ are totally ignorant of the facts and circumstances of a latent hostility in a
 ‘ corner of the world, which has occasioned a general war between the two
 ‘ nations.

‘ This argument is deemed unanswerable in France ; and it is on this footing
 ‘ that the King challenges the right of nations, to the end that some expedient
 ‘ may be agreed upon in the future Treaty as a recompense for the captures made
 ‘ upon his subjects previous to the Declaration of War, without entering into any
 ‘ discussion about Reprizals, which should be forgotten when the two Courts
 ‘ draw near to an agreement. France consults nothing but the interest of the in-
 ‘ dividuals who have been sufferers, and does not pretend to include the King’s
 ‘ ships taken before the Declaration in the settlement of the Captures, as the loss
 ‘ of the King’s ships may be considered as a consequence of the motives of the
 ‘ War.

XIII.

‘ Though, during the course of the present War, the article of former Trea-
 ‘ ties which guaranty the succession to the Throne of Great Britain, according to
 ‘ the present establishment, has not been infringed, nevertheless the King is
 ‘ well disposed to comprize that Guaranty in the future Treaty, if the King of
 ‘ England desires it.

XIV.

‘ The prisoners made on each side, as well by sea as land, shall be set at li-
 ‘ berty, and sent home without ransom, immediately on the ratification of the
 ‘ Peace.

‘ His Britannic Majesty will readily perceive, that these articles are not drawn in
 ‘ the form of a treaty ; they are only offered to him as articles explained in their
 ‘ full extent, which elucidate the sentiments of France, and put the two Crowns
 ‘ in a condition to treat upon certain and distinct objects.’

This Memorial was sent to London on the 15th of July. The date is men-
 tioned, because the British Ministry reproached the French Ministry with having
 delayed the dispatch of the Memorial ; and it is proper to observe, that the last
 answer from England did not reach France till the 1st of July ; that there was a
 necessity of having several conferences with Mr. Stanley, to form the scheme of a
 treaty, which comprehended the precise discussion of objects in every part of the
 world where the two Crowns are at war, and which was to produce the re-esta-
 blishment

blissment of peace, or the continuance of the war. The reproach of a delay of fifteen days, upon so interesting a business, was certainly an instance of injustice.

However that point be settled, it is submitted to the discernment and justice of all Europe to determine, whether the Memorial of France of the 15th July did not confirm the principles of reconciliation, which had hitherto appeared in every step taken by that Crown. The Court of France acted with such integrity, in the confidence she reposed in the pacific disposition of England, that having sacrificed considerable interests, she carried her forecast so far, as to intimate to the Court of London her apprehensions lest the matters which remained to be discussed between Spain and England, and which were not yet adjusted, should in the end prove an obstacle to the duration and solidity of the peace which the King and his Britannic Majesty were desirous of re-establishing between them.

In consequence of these apprehensions, M. Bussy had orders to remind the Court of London, with respect to the subject of the Neutral Islands, specified in the 20th article of the Memorial, that his Catholic Majesty made some claims upon those Islands, with which the Court of Madrid had recently made that of Versailles acquainted. The French Minister was charged at the same time to represent to Mr. Pitt, how dangerous it would be to determine the fate of those Islands, without paying regard to the claims of his Catholic Majesty. M. Bussy was ordered to add, that it was evident that the Court of Spain would agree to the settlement which should be made between France and England, in relation to the four Islands in question, provided that the three articles negotiated at London on the part of the Court of Madrid, were adjusted at the same time that the Peace with France should be concluded there; and to testify a sincerity as laudable as it was perfect, M. Bussy was charged to annex to the Memorial of Propositions, the particular Memorial which follows relative to Spain.

No. XVIII.

The private Memorial of France, of 15th July, 1761, relating to Spain.

AS it is essential, and agreeable to the desire of France and England, that the projected Treaty of Peace should serve as a basis for a solid reconciliation between the two Crowns, which may not be liable to be interrupted by the interests of a third Power, and the engagements which either one or the other may have entered into previous to their reconciliation, he proposes that the King of Spain shall be invited to guaranty the future Treaty of Peace between his Majesty and the King of Great Britain. This Guaranty will obviate all present and future inconveniences with regard to the solidity of the Peace. The King will not disguise from his Majesty, that the differences of Spain with England fill him with apprehensions, and give him room to fear, that, if they are not adjusted, they will occasion a fresh war in Europe and America. The King of Spain has communicated to his Majesty the three articles which remain to be discussed between his Crown and the Crown of Britain: which are,

1. ' The restitution of some captures which have been made during the present war upon the Spanish Flag.
2. ' The privilege for the Spanish nation to fish upon the Banks of Newfoundland.
3. ' The demolition of the English settlements made upon the Spanish territories in the Bay of Honduras.

' These three articles may be easily adjusted agreeable to the equity of the two nations; and the King earnestly wishes, that some accommodations may be thought on, to the satisfaction of the Spanish and English nations, with regard to these articles; but he cannot disguise from England the danger he apprehends, and of which he must necessarily partake, if these objects, which seem nearly to concern his Catholic Majesty, should be the occasion of a War. His Majesty, therefore, deems it a principal point of consideration in concluding a firm and advantageous Peace, that, at the same time that that desirable Point shall be concluded between France and England, his Britannic Majesty should terminate his differences with Spain, and agree to invite his Catholic Majesty to guaranty the Treaty which is to reconcile (pray Heaven for ever) his Majesty and the King of England.

' As to what remains, his Majesty does not intimate his apprehension in this respect to the Court of London, but with the most sincere and upright intentions to obviate every impediment which may arise hereafter to disturb the union of the French and English nations; and he desires his Britannic Majesty, whom he supposes influenced by the same good wishes, freely to communicate his sentiments on so essential an object.'

The precaution of France to ensure the solidity of the Peace, comprized every object which could conduce to that end. The succours which his Majesty and the King of England afforded their Allies in Germany, left a source of war still subsisting, and an expence detrimental to both nations. The King judged, that the most natural means to put an end to the disputes which the succours to be afforded their respective Allies might produce, would be to come to an agreement between France and England, that France, on her part, should not yield any kind of succour to the Empress-Queen, and in like manner, that England should be bound not to furnish any assistance to the King of Prussia. It would have been a violation of good faith to have stipulated this withdrawing of all succour, without the consent of the Allies. The King required the consent of the Empress Queen, and obtained it early enough, for M. Bussy to transmit the following note to the British Minister relative to that object, at the same time that he gave him the Memorial of the French propositions, and that which related to Spain.

No. XIX.

M. Buffy's Note to Mr. Pitt.

SINCE the Memorial of the propositions from France was formed, and at the instant that the courier was ready to set out for London, the King received the consent of the Empress Queen to a separate peace with England, but upon two conditions :

1. ' To keep possession of the countries belonging to the King of Prussia.
 2. ' That it shall be stipulated, that the King of Great Britain, neither in his capacity of King or Elector, shall afford any succour, either in troops, or of any kind whatever, to the King of Prussia; and that his Britannic Majesty will undertake that the Hanoverian, Hessian, Brunswickian, and the other Auxiliaries in alliance with Hanover, shall not join the forces of the King of Prussia, in like manner as France shall engage, on her part, not to yield succour of any kind to the Empress Queen, nor her Allies.
- ' Both these conditions appear so natural and equitable in themselves, that his Majesty could not do otherwise than acquiesce in them, and he hopes that the King of Great Britain will be ready to adopt them.'

Upon reading these vouchers with attention, it may be observed, that the Memorial containing the propositions, clearly explains the means of reconciling France and England with respect to their particular interests; and that the Note, No. XIX, removes all obstacles which the succours to be given to the Allies in Germany might throw in the way of a reconciliation between the two Crowns. In fact, what could be more just and advantageous both to France and England, in the circumstances in which they stood, than wholly and absolutely to withdraw from the war in Germany. Lastly, in order to prevent the flames of war from breaking out afresh in Europe, which the complaints of Spain might re-ignite, and in which France, sooner or later, would have been forced to have taken part; nothing could be deemed more discreet than the proposition contained in the Memorial, No. XVIII. more especially as that proposition was the natural result of the good offices which his Catholic Majesty had offered to the Crown, the preceding years, in order to mediate peace between them, which kind offices had been accepted on the part of France by an authentic declaration, which had not then been opposed by England.

M. Buffy laid these several pieces before Mr. Pitt on the 23d of July. They had been previously communicated to Mr. Stanley, to the end that that Minister might transmit a circumstantial account of them to his court, and that the English Minister might be apprized of the objects included in the dispatch, and might be able to confer with M. Buffy thereupon without loss of time. The King had even transmitted very minute instructions to his Minister at London, which contained fresh expedients for reconciling the differences of France with England, in relation to the respective possessions of the two Crowns in America,

Africa, and Asia. His Majesty had foreseen that the taking of Pondicherry, of which an account came but a few days before, might occasion some alteration which it might be necessary to obviate by fresh sacrifices, if such should be deemed expedient; but the English Minister, in the conference at which the pieces were laid before him, discovered his personal opposition to peace: he refused to agree to any of the articles in the Memorial of propositions; he entered very little into the particular motives of his opposition; he expatiated with some warmth on the Memorial which related to Spain; rejected the Note which concerned the Allies in Germany with disdain; and concluded with saying, That he would take the directions of the King his Master, with respect to those two last pieces, and that he would transmit to Mr. Stanley the answer of his Britannic Majesty to the propositions of France. In consequence of this, Mr. Pitt, having returned M. Bufff the Memorials concerning Spain and Germany, wrote a letter to him on the 24th of July, conceived in the following terms.

No. XX.

Mr. Pitt's Letter to M. Bufff, 24th July 1761.

S I R,

HAVING explained myself, in our conference yesterday, with respect to certain engagements of France with Spain, relative to the disputes of the latter Crown with Great Britain, of which your court never informed us, but at the very instant of making, as she has done, her first propositions for the separate peace of the two Crowns; and as you have desired, for the sake of greater punctuality, to take a note of what passed between us upon so weighty a subject, I here repeat, Sir, by his Majesty's order, the same Declaration, word for word, which I made to you yesterday, and again anticipate you with respect to the most sincere sentiments of friendship and real regard on the part of his Majesty towards the Catholic King, in every particular consistent with reason and justice. It is my duty to declare farther to you in plain terms, in the name of his Majesty, That he will not suffer the disputes with Spain to be blended, in any manner whatever, in the Negotiation of Peace between the two Crowns; to which I must add, That it will be considered as an affront to his Majesty's dignity, and as a thing incompatible with the sincerity of the Negotiation, to make farther mention of such a circumstance.

Moreover, it is expected that France will not, at any time, presume a right of intermeddling in such Disputes between Great Britain and Spain.

These Considerations, so just and indispensable, have determined his Majesty to order me to return you the Memorial which occasions this, as wholly inadmissible.

I likewise return you, Sir, as totally inadmissible, the Memorial relative to the King of Prussia, as implying an Attempt upon the Honour of Great Britain, and the Fidelity with which his Majesty will always fulfil his Engagements with his Allies.

I have the Honour to be, &c.

Signed Pitt.

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The style of this Letter, and the manner of returning the Memorials, do not bear the marks of that conciliating temper, by which the Court of England would hitherto have been thought to have been influenced.

The Answers to the Memorial of the French Propositions, which were remitted to Versailles on the 29th July, are extremely analogous with Mr. Pitt's Letter; they are dictated with an air of haughtiness and despotism which might have shocked a Court of less consequence than that of France. They follow word for word.

No. XXI.

The Answer of the British Court to the Memorial of French Propositions. 29th July, 1761.

A Paper of Articles to be delivered to Mr. Stanley, as the definitive propositions from the Court of Great Britain.

1. **H**IS Britannic Majesty will never recede from the entire and total cession on the Part of France, without any new limits, or any exception whatever, of all Canada and its appurtenances; and his Majesty will never relax, with regard to the full and compleat cession on the Part of France, of the Isle of Cape Breton, and of all the other Islands in the Gulph or in the River of St. Lawrence, with the right of fishing, which is inseparably incident to the possession of the aforesaid Coasts, and of the Canals or Streights which lead to them.
2. With respect to fixing the limits of Louisiana, with regard to Canada, or the English Possessions situate on the Ohio, as also on the Coast of Virginia, it can never be allowed that whatever does not belong to Canada shall appertain to Louisiana, nor that the boundaries of the last Province should extend to Virginia, or to the British possessions on the borders of the Ohio; the nations and countries which lie intermediate, and which form the true barrier between the aforesaid provinces, not being proper, on any account, to be directly or by necessary consequence ceded to France, even admitting them to be included in the limits of Louisiana.
3. Senegal, with all its Rights and Dependancies upon the River which bears its name, shall be ceded to Great Britain in the most full and ample manner; as also the Island of Goree, so essentially connected with Senegal.
4. Dunkirk shall be reduced to the condition in which it ought to have been after the Treaty of Utrecht, without which no Peace can be concluded; and upon that condition only can his Majesty ever consent to enter on the consideration of the demand which France has made, viz. The restitution of the privilege granted by the thirteenth article of the said treaty, with certain limitations and under certain restrictions, for the subjects of France to fish and dry their fish on part of the Banks of Newfoundland.
5. Though the titles by which the Kingdom of Great Britain has, on many occasions, maintained its right to the Islands of St. Lucia and Tabago, have never yet been refuted; and though his Majesty by force of arms has acquired possession

possession of St. Dominica, and of the French Colony established before the commencement of the war; nevertheless his Majesty, from that principle of moderation, which is so becoming to Kings, will consent to an equal partition of the four Islands, commonly called the Neutral Islands, which partition shall be regulated in the ensuing treaty.

6. ' The island of Minorca shall be immediately restored in the condition it was at the time of its being taken, together with the artillery, &c. appertaining to that island.

7. ' France shall immediately restore and evacuate the conquests she has made over his Majesty's Allies in Germany; that is to say, of all the States and Countries appertaining to the Landgrave of Hesse, to the Duke of Brunswic, and to the Electorate of Hanover, as also of Wesel, and of all the places and territories belonging to the King of Prussia, in possession of the arms of France. In a word, France shall make a general evacuation of all her conquests, on the side of Hesse, Westphalia, and its countries.

8. ' The King of Great Britain on his part, agrees to surrender to his Most Christian Majesty, 1. The important conquest of Belle-Isle. 2. His Majesty likewise consents to surrender to the Most Christian King the opulent island of Guadaloupe, with that of Marigalante.

9. ' The treaty concluded between Messrs. Saunders and Godeheu, cannot be admitted as the basis of the re-establishment of the peace in Asia, because that provisional treaty has had no consequences, and because those provisions are by no means applicable to the present state of affairs in the Indies, by the final reduction of the possessions and settlements of the French company in the East Indies; but as the perfect and final settlement with regard to that country can only be made in conformity to certain rights absolutely appertaining to the English company, and as the King cannot justly dispose of their rights without their consent, it must necessarily be left to the Companies of the two nations to adjust the terms of accommodation and reconciliation, according to those rules of reason and justice, which the state and circumstances of their affairs may require, and mutually point out; provided nevertheless that those conditions are not repugnant to the designs and equitable intentions of their Sovereigns for the peace and reconciliation of the two Crowns.

10. ' The demand of the restitution of the captures at sea before the declaration of war cannot be admitted; such a claim not being founded on any particular convention, and by no means resulting from the law of nations, as there is no principle more contestible than this, viz. that the absolute right of all hostile operations does not result from a formal declaration of war, but from the hostilities which the aggressor has first offered.

11. ' As the indispensable care which is due from his Majesty to his people, and the just and invincible motives which concern the preservation and security of his kingdoms, authorized by the most formal stipulations of solemn treaties (viz. those of Radstadt, and the Barriere) and even by the express and irrevocable conditions of the cession of the Low Countries, will not allow France to retain possession of Ostend and Newport, the two places aforesaid shall be

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‘ evacuated, without delay, by the French garrisons; it is for this reason declared that the restitutions spoken of in the preceding Articles of this Memorial, and particularly the convention which is to be framed and regulated with respect to the Indies, cannot take place till the aforesaid evacuation of Ostend and Newport shall be faithfully executed.

12. ‘ The cessation of arms between the two crowns shall be fixed and take place on the day of the ratification of the preliminaries, or of the definitive treaty, and all the Articles relative to the cessation of hostilities, shall be settled and take place, according to common usage in such cases, and as the circumstances in different parts of the world shall require.

13. ‘ His Majesty having, from the first overtures made on the part of France, declared, that in case the separate peace between the two Crowns should be concluded, his Majesty would continue, as an Auxiliary, faithfully to assist the King of Prussia, with efficacy and good faith, in order to accomplish the salutary purpose of a general pacification in Germany; it shall be free to Great Britain and France, to support, as Auxiliaries, their respective Allies, in their particular contests for the recovery of Silesia, pursuant to the respective engagements which those Crowns have entered into.

14. ‘ The prisoners taken on one side and the other, both by sea and land, shall be released in the usual manner, saving the terms which may exist by virtue of some cartel or some convention, which may have relation to this particular.

‘ These articles are not digested into the form, nor in the detail of articles of peace; but it is hoped that, with regard to essential points, this Memorial has that precision and perspicuity which leaves nothing doubtful, and which evidently demonstrates the sincerity and perseverance of his Majesty’s disposition, with respect to his intentions and resolutions for the accomplishment of so great a blessing as that of an entire peace between the two Crowns.

The first article of this sketch entirely deprived the French of the liberty of fishing for cod; and the demolition of Dunkirk required in the 4th article, only restored this liberty in part, with certain limitations and under certain restrictions which were not explained.

From the second article, one might infer that England pretended, not only to keep an exclusive possession of all Canada, but also to make herself mistress of all the Neutral Countries between Canada and Louisiana, to be nearer at hand in order to invade the last Colony when she should think proper.

The third Article confirmed the entire possession of the African Coast in favour of the English, and deprived the French of all settlement in that part for the Negroe trade.

The ninth entirely annihilated the French East India Company.

The seventh and thirteenth did not appear conclusive. In fact, by the first, England proposed that France should evacuate Germany, and in the second she agreed that the two Crowns should support their Allies in that part of Europe.

These answers, and all those which England has made in the course of the nego-

Negotiation, evidently manifest that the Court of London is averse to all reconciliation.

The Articles which declare the advantages which England would secure, are clear, decisive, and even dictatorial; those which concern the interests of France, are obscure, subject to various constructions, and leave a train of discussions, which, by leaving the source of the war still subsisting, would still have redounded to the prejudice of France, if she had agreed to admit the claims of England.

These reflections did not escape his Majesty's penetration. Nevertheless his Majesty, unwilling to take upon himself the rupture of a Negotiation, which, on his part, proposed the welfare of mankind, he ordered a Reply to be made to the Answer from England, Article by Article, in the following Memorial, in the form of an *Ultimatum*.

No. XXII.

Ultimatum of France in reply to that of England, of 5th of August, 1761.

Ultimatum of the Court of France, as a Reply to the Ultimatum of the Court of England, remitted to the D. de Choiseul by M. Stanley.

THE King renews the Declaration which he made to his Britannic Majesty, to the Memorial of Propositions for Peace, which has been transmitted to M. Stanley, and to which the Court of England has given no Answer, either by word of mouth or in writing: his Majesty again declares, that if the Negotiation entered into at Paris and at London, for the re-establishment of Peace between the two Crowns, has not the desired success, all the Articles agreed to in that Negotiation by France, cannot be represented, on any occasion, as settled points, any more than the Memorial of the month of March last, relative to the *Uti possidetis*.

1. The King consents to cede Canada to England in the most extensive manner, as specified in the Memorial of Propositions; but his Majesty will not recede from the Conditions he has annexed to the same Memorial relative to the Catholic Religion, and to the power, facility, and liberty of emigration for the ancient subjects of the King. With regard to the Fishery in the Gulf of St. Laurence, the King means to maintain the immemorial right which his subjects have of fishing in the said Gulf, and of drying their fish on the Banks of Newfoundland, as it was agreed by the Treaty of Utrecht. As this Privilege would be granted in vain, if the French vessels had not some shelter appertaining to France in the Gulf, his Majesty proposed to the King of Great Britain the restitution of the Island of Cape Breton; he again proposes, either that island, or St. John, or such other Port, without Fortification, in the Gulf, or within reach of the Gulf, which may serve the French as a shelter, and secure to France the liberty of Fishing, from whence his Majesty has no intention to recede.

2. The King has in no part of his Memorial of propositions, affirmed that all which did not belong to Canada, appertained to Louisiana; it is even difficult

cult to conceive such an assertion could be advanced. France, on the contrary, demands that the intermediate nations between Canada and Louisiana, as also between Virginia and Louisiana, shall be considered as neutral nations, independent of the Sovereignty of the two Crowns, and serve as a barrier between them. If the English Minister would have attended to the instructions of M. Buffy on this subject, he would have seen that France agreed with England as to this proposition.

3. ' No answer has been given by England to the plain argument, That if Senegal cannot be enjoyed in security without Goree, England will make no great sacrifice, in keeping Goree, and restoring Senegal to France. Upon this article, Mr. Stanley has acquainted the D. de Choiseul that some expedients may be agreed on between the two Crowns: in consequence of which his Majesty, out of regard to the blessing of peace, has authorized M. Buffy to treat concerning these expedients with the British Ministry,

4. ' The Court of London, when they mean to secure, in pursuance of his Majesty's consent, the conquests they pretend to maintain, readily rely on the Memorial of *Uti Possidetis*; but they take no notice of that Memorial when they advance claims at the expence of France. It cannot be denied but that the state of the town of Dunkirk is not included in the *Uti Possidetis*.

' According to the Treaty of Utrecht, the Demolition of Dunkirk was not assented to, as a compensation for the liberty of drying codfish on the Banks of Newfoundland; it is the cession of Newfoundland, on the part of France, which is the ground of that compensation: but the King, to testify to all Europe, his sincere desire of peace, and to remove all obstacles which the enemies to peace may throw in the way, authorizes his Minister at London to negotiate concerning the state of Dunkirk, so soon as a convenient port shall be agreed upon in the Gulf of St. Lawrence, or within reach of the Gulf, which shall be ceded to France, to serve as a shelter for her fishing vessels.

5. ' France has refuted the title of England to the Antilles, which are pretended to be neutral; His Majesty nevertheless, from a principle of moderation, accepts of the partition of the said islands; but such partition cannot take place but in the form specified in the first Memorial of the French propositions.

6. ' It seems as if England, by her propositions, offered the island of Belleisle as a compensation for the island of Minorca: as France does not allow the importance of the conquest of Belleisle, the two Courts will retain their several opinions; England shall maintain her conquest, and France shall keep Minorca.

7. ' France is willing to evacuate, in consideration of the restitution to be made by England of the Island of Guadaloupe and of Marigalante, the countries belonging to the Landgrave of Hesse, to the Duke of Brunswic, and to the Electorate of Hanover, which are or shall be occupied by his Majesty's forces, and of which the conquest is connected with the British War, since the rupture of the capitulation of Closter Seven, and which may be separated from the War of the Empress-Queen with the King of Prussia.

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‘ But as to what concerns Wesel, Gueldres, and other countries in Westphalia belonging to the King of Prussia, which are actually in possession of the Empress-Queen, and where justice is administered in the name of her Imperial Majesty, the King cannot stipulate to surrender the Conquests of his Allies; and such an evacuation, neither in fact nor by right, can take place without the consent of the Empress-Queen at the Congress at Augsburg; that Congress being to assemble in order to terminate the differences which have arisen in the Empire, and particularly those which have occasioned the War between her Imperial Majesty and the King of Prussia.

8. ‘ The King accepts on these conditions; and in consideration of the cessions made by France, in North America and Africa, as well as in regard to the settlement of Dunkirk, the restitution of the Island of Guadaloupe and of Mari-galante.

9. ‘ The French East-India Company have fulfilled the conditions of the Treaty made between Mess. Godeheu and Saunders: that of England has not observed the same punctuality. However that may be, the King is willing to acquiesce in the 9th Article of the *Ultimatum* of England, in relation to Asia.

10. ‘ The King persists, with regard to the Captures made before the War, in the contents of the 12th Article of the first Propositions. M. Buffly is authorised to deliver a Memorial expressly on this subject; and every one is persuaded in France, that this object neither can nor ought to break off the Negotiation between the two Crowns.

11. ‘ The Empress-Queen enjoys full sovereignty in the towns of Ostend and Newport; the King has only lent his forces to his Ally to secure those places. England has no right to impose laws upon the King and the Empress, contrary to the will of the King and of her Imperial Majesty, who do not in the least violate the Treaties of the House of Austria with the States General. As to what remains, his Majesty readily declares, that his intention never was to keep possession of the said places after the establishment of peace.

12. ‘ The 12th Article of the *Ultimatum* of England does not seem liable to any difficulties, while the terms of the intended Suspension shall be observed and maintained with sincerity.

13. ‘ In answer to the Declaration made by Mr. Stanley, that in case of a separate Peace between France and England, his Britannic Majesty would constantly continue, in the capacity of an Auxiliary, to aid his Ally the King of Prussia with all his power, and with the utmost integrity, in order to accomplish the happy issue of the War, and the pacification of Germany, the D. de Choiseul, in the name of the King, his Master, has declared to Mr. Stanley, that his Majesty, with the same view to the general pacification, will also support his faithful Allies with all his forces, and to the utmost of his power, and will take every precaution which his approved sincerity and integrity shall suggest to him, in order to prevent the separate Peace of France with England from being prejudicial to them.

‘ It is in consequence of these sentiments, that the King, with the consent of his Allies, is willing to stipulate, that he will grant no succour of any kind to his

his Allies for the continuance of their War against the King of Prussia; but his Majesty neither can nor will enter into such an engagement, unless his Britannic Majesty will enter into the like agreement with respect to the King of Prussia.

The Proposition of leaving France at liberty to send forces into Silesia, is unfavourable, from particular circumstances, to the interests of the Empress, and consequently inadmissible.

The King, therefore, persists in the Propositions contained in the 10th Article of his first Memorial. All that can be negotiated with respect to these points, must be the liberty of affording succours in money to the respective Allies, so soon as it shall be positively ascertained that no power shall be at liberty to furnish them any supplies of men, or warlike stores, under any denomination whatever.

14. The King accepts the 14th Article of the *Ultimatum* of England.

It is hoped that the Court of Great Britain, will allow the precision of the Answers to their *Ultimatum*, as well as the readiness with which the King endeavours, even to his prejudice, to use all means to bring about a reconciliation with the King of Great Britain.

M. Bussy, on presenting his *Ultimatum*, accompanied it with the following Letter, in Answer to that of Mr. Pitt, of the 24th of July.

No. XXIII.

Mr. Bussy's letter to Mr. Pitt, 5th August, 1761.

S I R,

I Have acquainted my Court with the Letter of the 24th of last month, with which your Excellency honoured me, on returning the Memorial I laid before you, in relation to the interests of the Court of Spain with respect to England, and the Note which I thought it my duty to communicate, with regard to the intention of the King my Master, concerning the necessary steps to put a stop to hostilities in Germany.

The King, Sir, orders me to acquaint your Excellency, that as to what relates to the interest of the Catholic King, his Majesty's precaution expressed in the Memorial which I remitted to you, is in consequence of that sincerity which he professes constantly to adopt in the course of all his Negotiations. The Memorial which your Excellency has returned me, neither contains any menaces, nor any offer of mediation. No other sentiment can be inferred from it, than that of the sincere desire which his Majesty entertains, that the projected peace between France and England, may be firm and durable. Moreover, the King refers himself to his Catholic Majesty concerning the manner in which this Memorial was received and remitted; but his Majesty has charged me to declare to your Excellency, that so long as Spain shall approve of it, his Majesty will interfere with the interests of that Crown, without desisting on account of a repulse from the Power who opposes his good offices.

With respect to the matter of the Note, likewise returned by your Excellency, and which relates to the two necessary conditions of the proposed expedient for evacuating the countries subdued by his Majesty's arms, his Majesty explains himself fully on that Article in the *Ultimatum*, in Answer to that of the Court of London. His Majesty has ordered me to declare further to you in writing, that he will rather sacrifice the Power which God has given him, than conclude any thing with his enemies, which may be contrary to the engagements he has contracted, and that good faith in which he glories. If England will undertake to yield no succour to the King of Prussia, the King will engage, on the other hand, to afford none to his Allies in Germany. But his Majesty will not adopt the liberty of succouring his Allies with a supply of men, because he is sensible of the disadvantage which the present situation of the armies might occasion to the Empress Queen. His Majesty may stipulate not to act for the benefit of his Allies, but he neither can or will consent to any condition which may be detrimental to them.

It remains for me to observe to your Excellency, how greatly my court was astonished, as well at the stile of the Letter you wrote to me, as at the *Ultimatum* of England. This stile, which is so little conformable to the propositions of France, betrays the aversion of the Court of London to peace. The King, who is very far from insisting on forms, when the happiness of Europe is at stake, has used every endeavour, in the Answer to the *Ultimatum*, which, without injury to the honour of his Crown, were judged most effectual to recall the British Court to sentiments of pacification: your Excellency will judge, from the *Ultimatum* of France, that I am ordered to acquaint you with what facility the King, forgetting the imperative stile, so unfit for Negotiation, which England makes use of in her Answers, enters into the views of the British Court, and endeavours, by the sacrifices he makes, to engage them to adopt the stipulations of a reasonable peace.

If your Excellency is desirous of having a conference with me on the subject of the *Ultimatum*, I will attend your commands, and I shall be very earnest to testify the disposition of my Court, to make a happy issue of the Negotiation on foot, as also the peculiar regard with which, &c.

Signed De Buffy.

At length, as the British Ministry had seemed to resent the Memorial relative to Spain, his Catholic Majesty authorized his Ambassador at London, the Count of Fuentes, to remit the following Note to Mr. Pitt, which is the interpretation of the Memorial.

No. XXIV.

Note of the Spanish Ambassador to Mr. Pitt.

THE Most Christian King, who wishes to make the peace, concerning which he proposed to treat with England, at once effectual and durable, entrusted his intentions with the King my Master, expressing the pleasure with which

he embraced that opportunity of acknowledging his sense of the reiterated offers which his Catholic Majesty had made both to Him and England, in order to facilitate a just and lasting reconciliation.

It is from these principles of sincerity that the Most Christian King proposed to the King my Master the guaranty of the Treaty of Peace, as a measure which might be equally convenient to France and England, and at the same time assured him of his sincere intentions with respect to the sacrifices he proposed to make, in order to restore tranquillity to Europe, by an honourable and lasting peace.

Such a proceeding of his Most Christian Majesty could not but be highly acceptable to the King my Master, who found it agreeable to his own sentiments, and to his desire of fulfilling on his part, with the most distinguished conformity, all the connections which unite them both by ties of blood and their mutual interest; and moreover, he perceived in the disposition of the King of France, that magnanimity and humanity which are natural to him, by his endeavours, on his side, to render the Peace as permanent as the vicissitudes of human affairs will admit of.

It is with the same candor and sincerity that the King my Master expressed in confidence to the Most Christian King, that he wished his Britannic Majesty had not made a difficulty of settling the guaranty, on account of the grievances of Spain with England, as he has all the reason to conclude that his Britannic Majesty has the same good intentions to terminate them amicably, according to reason and justice.

The confidence which the King my Master reposed in France, gave that Court room to testify to his Britannic Majesty the sincerity of their intentions for the re-establishment of peace, since, by proposing the guaranty of Spain, they expressed their sincere desire of seeing the interests of Spain settled at the same time, which might one day re-kindle the flames of a new war, which at present they wish to extinguish.

If the intentions of the Most Christian King and the King my Master did not seem fraught with sincerity, the King my Master flatters himself, that his Britannic Majesty will do him the justice to consider his in that light, since, if they were founded on any other principle, his Catholic Majesty giving full scope to his greatness, would have spoken from himself, and as became his dignity.

I must not omit to inform you, that the King my Master will learn with surprise, that the Memorial of France could raise a sentiment in the breast of his Britannic Majesty, entirely opposite to the intentions of the two Sovereigns.

But his Catholic Majesty will always be pleased, whenever he sees that they make that progress which he has ever desired, in the Negotiation of Peace, whether it be separate between France and England, or general; as his sincere wishes are to make it perpetual, by obviating every source which might hereafter unhappily renew the war.

For this reason, the King my Master flatters himself that his Britannic Majesty, animated with the same sentiments of humanity towards the public

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tranquillity, will express the same intentions of terminating the disputes of England with a power which has afforded such reiterated proofs of her friendship, at the same time that it is proposed to restore peace to all Europe in general.

The King ordered M. Buffy, by the instructions which were sent to him with the *Ultimatum*, to agree to the cession of Canada, in the full extent which England desired it, so that the fishery on the coast and in the Gulf of St. Lawrence was maintained to France, and that England would appoint a port in that part, which might be subject to the sovereignty of his Majesty, and serve the French fishermen for a shelter.

M. Buffy had in charge to agree upon the limits of Canada and Louisiana, according to the English map, though very unfavourable to the rights and possessions of France. With regard to Africa, the King's Minister was authorized to consent to the cession required by England, so that the exportation of negroes might be confirmed to France by some expedients equally easy and sure; and his Majesty made the sacrifice of Dunkirk, in compensation of the security of fishing in the Gulf of St. Lawrence, in favour of his subjects.

As to what concerns Asia, the King authorized M. Buffy to agree that the French and English India companies, should adjust their respective interests among themselves, upon condition that they suspend hostilities during the Negotiation, and that the advantages on either side should be considered as a compensation with regard to the respective interests of the two Crowns.

The King insisted, in the Instructions he sent to his Minister at London, upon the Article respecting the Restitution of the French vessels taken before the war by the English marine. His Majesty's love for his subjects would not allow him to omit any thing to alleviate the distresses which several towns in his kingdom sustained by means of those illegal captures. M. Buffy had even orders to present the following Memorial on that subject.

No. XXV.

Memorial concerning the Vessels taken before the War.

Concerning the Reclaim of the Prizes made before the Declaration of the War.

THE Reclaim of the Captures made by the English before the Declaration of War, is founded on the Treaties of Utrecht and Aix la Chapelle.

It is not necessary to contest the principle that the right of exercising Hostilities does not always result from the formality of a Declaration of war; but as it is impracticable for two Princes who make war on each other, to agree between them which is the aggressor with regard to the other, equity and humanity have dictated these precautions, that where an unforeseen rupture happens suddenly, and without any previous declaration, foreign vessels, which, navigating under the security of peace and of treaties, happen at the time of the rupture to be in either of the respective ports, shall have time and full liberty to withdraw themselves.

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‘ This wise provision, so agreeable to the rules of good faith, constitutes a part of the Law of Nations, and the Article of the Treaty which sanctifies these precautions ought to be faithfully executed, notwithstanding the breach of the other Articles of the Treaty, which is the natural consequence of the war.

‘ The Courts of France and Great Britain used this salutary precaution in the Treaties of Utrecht and Aix la Chapelle; in the first, by the nineteenth Article of the Treaty of Peace, and in the second of the Treaty of Commerce: in the second, by the third Article which renews and confirms the first.

‘ If these Treaties allow a protection to the respective subjects who may have ships in the ports of either of the Powers, because, having no opportunity of knowing that a rupture has fallen out, they sailed under the Security of Peace and under the Faith of Treaties; by a parity of reason, all the other subjects who are not inhabitants of the respective ports, who have ships at sea, should enjoy the same security for their vessels, in whatever part of the sea they should be sailing, otherwise it would follow, that the Sovereigns provide for the preservation of one part of their subjects from the miseries of a sudden rupture, to which they expose the rest, which is absolutely repugnant to the humanity of Sovereigns, and contrary to right reason.

‘ It is upon this principle that the King of France restored to England the English Vessels which were found in the ports of France, at the time of the rupture, or taken at sea before the Declaration of War.

‘ If his Majesty had not caused those vessels to be restored, his Britannic Majesty might have alledged that he retained the French vessels by way of Reprisals; but the punctuality of France in conforming to the Treaties of Utrecht and Aix la Chapelle, and to the principles resulting from thence, give England no pretence for refusing to fulfil engagements which are reciprocal.

‘ The Court of France therefore does not doubt but that the Court of England will agree to order the Restitution of the ships taken by the English from the French, before the Declaration of the War.”

The King likewise ordered his Minister to represent, with its full force, the utility which would redound to the two Crowns by the total desertion of the war in Germany. His Majesty moreover required M. Bussy, after having used his utmost endeavours to persuade the British Ministry to acquiesce in propositions so advantageous to England, to wait for fresh instructions, if the Court of London should refuse the conditions offered in the *Ultimatum* of France, the King being resolved to carry his compliance as far as possible, in order to inspire the King of England with pacific dispositions.

The *Ultimatum* of France, of the 5th August, arrived at London the 8th of the same month: M. Bussy wrote to Mr. Pitt: that Minister returned him the following Answer on the 15th.

Mr. Pitt's Letter to M. Buffy. 15th August, 1761.

S I R,

I Made the King my Master acquainted with the Memorial, which, by the order of his Most Christian Majesty, you accompanied the *Ultimatum* of the Court of France: his Majesty perceives from these two pieces, with that regret with which the love of peace inspires him, that the happy moment to put an end to so many miseries is not yet come.

As to what relates to the stile of the *Ultimatum* of England in answer to the Memorial of propositions from France, as likewise of the letter which I addressed to you by his Majesty's order, upon returning the two papers relative to Spain and the King of Prussia, as totally inadmissible, the King orders me to acquaint, you, Sir, that his Majesty adheres both to the form and substance of those two pieces, in which his dignity concurred with his justice and good faith, leaving all the world to judge which of the two Courts have shewn an aversion to peace during the course of the Negotiation; whether it be that Court, which from a principle of candour, not by way of assuming an imperative tone, has always endeavoured to give open answers, in order to shorten delays, by obviating misunderstandings, and to avoid the reproach of having acted delusively even with an enemy; who, in the conditions of peace, so far from making an ill use of her prosperity, has not even insisted on all those rights which the *Uti possidetis*, and the Memorial of France of the 26th March, gave her; who, moreover, proposes, that after the conclusion of peace between the two Crowns they shall respectively be at liberty, with regard to the contest concerning Silesia, to fulfil the engagements they have contracted with their Allies; it belongs therefore, Sir, to Europe to judge whether this is the Court which has shewn an aversion to peace, or whether it is not that, which after so many variations and delays on her part, arbitrarily continues to insist on objects in America which we have a right to by the *Uti possidetis*, and which would make a direct attempt on the essential rights of our conquests of Canada and its appurtenances, in the Gulf of St. Laurence; which, in Germany, not only refuses to give up her conquests, gained over his Majesty's Allies, as a just compensation for the important restitutions with which his Majesty is willing to accommodate France, but even pretends to impose an obligation on his Majesty not to fulfil the engagements of his Crown towards the King of Prussia; which moreover, not satisfied with throwing so many insuperable obstacles in the way to peace, has not scrupled to interpose new perplexities in opposition to this precious blessing for which the nations sigh, by intermixing, too late, matters so foreign to the present Negotiation between the two Crowns, as are the discussions between Great Britain and Spain.

Such, Sir, being the conduct of the two Courts, the King perceives with regret that the peace so much desired is far distant, and that at this very moment

ment the Court of France is willing to intrust it to the uncertain fate of farther events.

If this is the intention of France, his Majesty relies on the same Providence, which has hitherto blessed his arms, and the sincerity of his intentions towards peace; and hopes, that the course of events, accomplishing what his Majesty's moderation has in vain attempted, will recal the Court of France to a more favourable disposition.

Nevertheless, Sir, although I am not at liberty to confer with you concerning the *Ultimatum* of your Court separately, yet if you desire, Sir, that we should have a conference on the two *Ultimatums* of our Courts together, I will be at your command when you think proper, that I may have the honour to learn what you have to communicate to me with respect to the intentions of your Court.

I have the Honour to be, &c.

Signed W. Pitt.

Europe will be able to judge by the pieces contained in this Memorial, and which cannot be disavowed by the British Ministry, any more than their dates, whether France has used any delay in the Negotiation, and whether she has varied from her propositions, and from the constant desire she has always expressed for the conclusion of peace.

No. XXVII.

Mr. Buffy's Answer to Mr. Pitt, 16th August, 1761.

S I R,

I Received the letter which your Excellency did me the honour to write to me on the 16th of this month. I will not undertake to discuss the principal object of it without submitting it to my Court, whether it is proper to make a reply, and what that reply should be. I will confine myself, Sir, to assure you that I accept, with pleasure, the offer your Excellency makes me of a Conference on the subject of the two *Ultimatums* of our Courts; as you are out of town, and as I would not trespass on the moments you devote to the establishment of your health, I refer myself to you entirely to appoint the day and hour when I may come to confer with you.

Nothing can be more true than the assurance I make to you of the respectful attachment with which you have inspired me, and with which I have the Honour to be, &c.

Signed, De Buffy.

The many deliberations of the British Court, and the delay, from the 8th to the 30th of the same month, of the Answer to the *Ultimatum* of France, renewed the hopes of reconciliation between the two Crowns. At length the Answer came, and Mr. Stanley remitted it on the 1st of September to the Duke de Choiseul.

The Answer of England to the Ultimatum of France, received the 1st September, 1761.

The Answer of the British Court to the *Ultimatum* of the Court of France, remitted the 17th of August, by M. Buffy Minister Plenipotentiary of the Most Christian King, to the Secretary of State of his Britannic Majesty of the Southern department.

THE Most Christian King having repeatedly declared, in the *Ultimatum* of the Court of France, remitted to Mr. Pitt by M. Buffy, as well as in the Memorial of the propositions of peace, which was remitted by the Duke de Choiseul to Mr. Stanley, that, if the Negotiation entered upon between the two Crowns has not the desired effect, all the Articles conceded in that Negotiation by France, cannot be considered in any case as points agreed upon, any more than the Memorial of the month of March last, in relation to the *Uti possidetis*; the King declares, in return, that if the concessions his Majesty has made to bring about peace, should not be accepted by his most Christian Majesty, the important restitutions offered to France, as well as the other circumstances herein after expressed, cannot for the future be considered as given up.

Article I.

The King will not desert his claim to the entire and total Cession of all Canada and its dependencies, without any new limits or exceptions whatever; and likewise insists on the compleat cession of the Island of Cape Breton, and of the other Islands in the gulf and river of St. Laurence.

Canada, according to the lines of its limits, traced by the Marquis de Vaudreuil himself, when that Governor surrendered the said province by capitulation to the British General Sir J. Amherst, comprehends on one side the lakes Huron, Michigan and Superieur; and the said line drawn to the Red Lake, takes in, by a serpentine progress, the river Ouabachi, as far as its junction with the Ohio, and from thence extends itself along the latter river as far inclusively as its influx into the Mississippi.

It is in conformity to this state of the limits made by the French Governor, that the King claims the Cession of Canada, a province which the Court of France moreover has offered anew by their *Ultimatum* to cede to his Britannic Majesty, in the most extensive manner, as expressed in the Memorial of Propositions of Peace, of 13th July.

As to what concerns the public profession and exercise of the Roman Catholic religion in Canada, the new subjects of his Britannic Majesty shall be maintained in that privilege without interruption or molestation; and the French inhabitants, or others, who may have been subjects of the Most Christian King in Canada, shall have full liberty and power to sell their effects, provided they dispose of them to the subjects of his Britannic Majesty, and to transport their property, as well as their persons, without being restrained from their emigration under any pretence whatever; (unless in case of debt, or for the breach of criminal laws;) it being always understood, that the time granted for the

- * said emigration shall be limited to the space of one year, to be computed
- * from the day of the Ratification of the Definitive Treaty.

II.

- * As to what respects the line to be drawn from Rio-Perdido, as contained
- * in the Note remitted by M. Buffy of the 18th of this month, with regard to
- * the Limits of Louisiana, his Majesty is obliged to reject so unexpected a pro-
- * position, as by no means admissible in two respects.

1. * Because the said line, under colour of fixing the limits of Louisiana, annexes vast countries to that province, which with the commanding posts and forts, the Marquis de Vandreuil has, by the most solemn capitulation, incontestibly yielded into the possession of his Britannic Majesty, under the description of Canada, and that consequently, however contentious the pretensions of the two Crowns may have been before the war, and particularly with respect to the course of the Ohio, and the territories in that part since the surrender of Canada, and the line of its limits has been traced as aforesaid by the Marquis de Vandreuil, all those opposite titles are united, and become valid without contradiction, to confirm to Great Britain, with all the rest of Canada, the possession of those countries on that part of the Ohio which have been heretofore contested.

2. * " The line proposed to fix the Bounds of Louisiana cannot be admitted, because it would comprize in another part, on the side of the Carolinas, very extensive countries and numerous nations, who have always been reputed to be under the protection of the King, a right which his Majesty has no intention of renouncing ; and then the King, for the advantage of peace, might consent to leave the intermediate countries under the protection of Great Britain, and particularly the Cherokees, the Creeks, the Chicafaws, the Chactaws, and another nation, situate between the British settlements and the Mississippi.

III.

- * The King refers to the third Article of the *Ultimatum* of England concerning
- * the Cession of Senegal and its dependencies, as well as the island of Goree, in
- * the most ample manner, as expressed in the said article ; and his Majesty re-
- * news the declaration which has been made by Mr. Stanley, that if the Court of
- * France would suggest any reasonable expedient to provide themselves with
- * Negroes, which may not be too detrimental to the interests of the British sub-
- * jects in Africa, he will willingly enter upon a discussion of this subject.

IV.

- * The important privilege granted by the 13th article of the treaty of Utrecht,
- * under certain limitations and restrictions, to the subjects of France for fishing
- * and drying their cod fish on a certain part of the banks of Newfoundland, has
- * not been refused by Great Britain, but connected with a reciprocal satisfaction on
- * the part of France, with regard to the indispensable object of Dunkirk, which
- * the King has required, and still requires : it is therefore on condition that the

‘ Town and Port of Dunkirk shall be put in the condition it ought to have been in by the last treaty of Aix la Chapelle, that his Majesty consents to renew to France the privilege of fishing and of drying their fish by virtue of the treaty of Utrecht, upon the aforesaid district of Newfoundland.

‘ As to the demand which his Most Christian Majesty has farther made that his subjects may fish in the Gulf of St. Laurence, as also to have a port there without fortifications, and subject to the inspection of England, as proposed on the part of the D. de Choiseul in his conferences with Mr. Stanley on that head, which port should merely serve as a shelter to the fishing boats of the French nation which shall land there; the King, to manifest to his Most Christian Majesty and to the whole world, the sincerity of his intentions with regard to peace, will consent,

1. ‘ To grant the French subjects the privilege of fishing in the Gulf of St. Laurence, upon this express condition, that is to say; That the said French subjects shall abstain from that particular fishery on all the coasts appertaining to Great Britain, whether on the Continent or on the Islands situated in the said Gulf of St. Laurence, which fishery the proprietors only of the said coasts have constantly enjoyed and always exercised; saving always the privilege granted by the 13th article of the treaty of Utrecht, to the subjects of France to fish and dry their cod fish on a part specified on the Banks of Newfoundland, which privilege is proposed to be renewed to France as aforesaid.

2. ‘ The King will consent to cede to his Majesty the isle of St. Pierre with its port, which isle, with respect to that part of Newfoundland situate between the bay of Placentia and the bay of La Fortune, stands east south east, and its port opens towards the north east, the interior part of which port is called *Bourgoway*; the isle of St. Pierre, which the King is willing to cede, is divided by a little streight from another island known by the name of *Maquelon*, or of *Michelon*, which lies to the north of the said isle of St. Pierre.

‘ To the cession of the said isle, as above mentioned, his Majesty annexes four indispensable conditions.

1. ‘ That France, on no pretence, nor under any denomination whatever, shall erect any fortifications, either in the said isle, or in its port, and that she shall not keep any troops there, nor maintain any military establishment whatever.

2. ‘ That the said isle and the said port shall only serve as a shelter for the fishing vessels of the French nation, and that France shall not suffer the vessels of any other nation whatever to partake of the convenience of this shelter for the fishing boats.

3. ‘ That the possession of the isle of St. Pierre as aforesaid, shall not be construed in any case to confer, transmit, or participate in any manner whatever the least right or power of fishing or of drying cod fish in any part of the coast of Newfoundland, beyond the district expressly stipulated and fixed for that purpose by the 13th article of the treaty of Utrecht, that is to say, *a Loco Cap. Bonavista nuncupato, usque ad extremitatem ejusdem Insule septentrionalem, indeque ad Latus occidentale recurrendo usque ad Lacum Pointriche appellatum.*

4. ‘ That

4. ' That in virtue of the cession of the said island as aforesaid, an English commissary shall be allowed to reside there, and the commander of the British Squadron at Newfoundland shall be at liberty from time to time to inspect the said isle and the said port, to see that the stipulations above expressed are punctually observed.

V.

' The proposition of an alternative suggested by the Court of France, in relation to the isles of Tobago, St. Lucia, Dominica, and St. Vincent, commonly called Neutral islands, is by no means admissible. The King however, from a principle of moderation, continues his inclination to agree to an equal partition of the said four islands, to be ascertained in the future treaty between the two Crowns.

VI.

' The King consents to restore to his Most Christian Majesty,

1. ' The important conquest of Belle-Isle, with the artillery, &c. which was therein at the time of taking the said Island.
2. ' His Majesty likewise agrees to restore to the Most Christian King the fertile and wealthy Island of Guadaloupe, with that of Marigalante, with the artillery, &c. which was therein at the time of taking the said Islands.

VII.

' The Island of Minorca shall be restored to his Britannic Majesty, as likewise Fort St. Philip, in the condition it stood, and with the artillery therein, &c. at the time of taking the said Island and Fort.

VIII.

' As to what regards the restitution and evacuation of the Conquests made by France over the King's Allies in Germany, and particularly of Wesel and the other territories of the King of Prussia, his Majesty persists in his demand relative to that subject in the 7th Article of the *Ultimatum* of England; it being always understood, that all the places belonging to his Majesty's Allies in Germany shall be restored, with the artillery, &c. found in them at the time of taking the said places.

IX.

' With regard to the succour to be afforded to the King of Prussia on the part of the British Crown, as an Auxiliary, after the conclusion of the separate Peace between Great Britain and France, his Majesty remains in the same inflexible resolution, which he declared at the first overture of the present Negotiation, that he will never desist from giving constant succour to the King of Prussia, as an Auxiliary, *with Efficacy and good Faith*, in order to attain the salutary end of a general Pacification in Germany. With this view, his Majesty, far from proposing to leave France at liberty to send armies into Silesia, *without being limited to the number stipulated in her actual engagements with the Court of Vienna*, (a circumstance not to be found in any part of the *Ultimatum* of England) has uniformly declared, as the 13th Article of the said *Ultimatum* professes, that Great Britain and France shall be at liberty to support their respective

* tive Allies as Auxiliaries, in their particular contest for the recovery of Silesia,
* according to the engagements entered into by each Crown.

* The King declares at the same time, that his Majesty has neither the inten-
* tion nor the authority to take upon him to inhibit and forbid any foreign troops
* from entering into the service and pay of the King of Prussia, however his
* Majesty might be inclined to consent not to furnish, but by means of subsidy,
* those supplies which Great Britain shall judge convenient to grant his Prussian
* Majesty, in pursuance of her engagements.

X.

* With regard to the Captures made after the commencement of hostilities,
* and before the Declaration of War, the King continues of opinion, that such a
* demand on the part of France is neither just nor maintainable, according to the
* most incontestible principles of the rights of War and of Nations.

XI.

* Concerning the evacuations of Ostend and Nieuport, the King cannot but
* refer to the most express and irrevocable stipulation of the most solemn Trea-
* ties, and expressed in the 11th Article of the *Ultimatum* of Great Britain, as also
* to his Declaration relative to that subject: and his Majesty relies on the sincer-
* ity of the Declaration on the part of France; that is to say, that *the intention*
* *of his Most Christian Majesty never was to keep possession of the aforesaid places af-*
* *ter the return of Peace.*

XII.

* In regard to the cessation of hostilities, the King persists, in every respect, in
* the same intentions, declared in the 12th Article of the British *Ultimatum*.

XIII.

* As to what concerns the French East-India Company, he can only refer to
* the 9th Article of the *Ultimatum* of England, with regard to which no disagree-
* ment seems to subsist.

XIV.

* As to the prisoners of war, the two Courts seem to agree perfectly on that
* head.

* The Court of France cannot but perceive from this Answer, the sincerity of
* his Majesty's intentions, as well as the moderation which directs his Majesty to-
* wards the means of reconciliation with the Most Christian King.

* Signed N. Stanley.*

The D. de Choiseul had several conferences with the English Minister on the
subject of this Answer; but M. Stanley, in those conferences, as well as thro'
the whole course of the Negotiation, did not appear to be authorized by his Court
to come to any agreement with respect to the difficulties which occurred, nor
even to elucidate those obscurities which occurred in the English Answers, and
particularly in the 9th Article of the last Answer from the Court of London. As
this

this Minister was confined to the letter of the Answer given by his Court, this circumstance absolutely put a stop to all eclaircissement on these points, and took away every expedient for removing the obstacles of the Negotiation. It was judged proper in France, in order to obviate these difficulties, to send a new Memorial to England, as a final answer to the Court of London. This Memorial was sent to M. Buffy the 9th of September.

No. XXIX.

The last Memorial of France to England, 9th September, 1761.

The Memorial of France to the Answer of England, transmitted to the D. de Choiseul the first of September, by M. Stanley the Minister of his Britannic Majesty.

THE King accepts the Declaration of the King of England contained in the preamble of the Answer, and renews that which he before made to his Majesty on this head, in such manner that it is concluded between the two Courts finally and without ambiguity, that if peace is not the result of the present Negotiation, all that has been said, written and negotiated between the two Crowns, since the Memorial of the 26th of March inclusive, to the moment of the rupture, shall be void and of no effect, and shall not be brought as an argument in favour of either of the parties, in any future negotiation of Peace.

Article I.

The King has declared in his first Memorial, and in his *Ultimatum*, That he will cede and guaranty to England, the possession of Canada, in the most ample manner; his Majesty persists in that offer, and without discussing the Line of its Limits marked in a map presented by Mr. Stanley; as that line, on which England rests its demand, is without doubt the most extensive bound which can be given to the cession, the King is willing to grant it.

His Majesty had annexed four conditions to his guaranty: it seems that England agrees to them; the King only conceives that the term of one year for the sale of the French effects and for the Emigration is too short, and his Majesty desires that it may be agreed to extend the term of one year to eighteen months at least.

As the Court of England has added, to the first article of their Answer to the entire and total Cession of Canada, as agreed between the two Courts, the word *Dependencies*, it is necessary to give a specific explanation of this word, that the cession might not in the end occasion difficulties between the two Courts with regard to the meaning of the word Dependencies.

II.

The first paragraph, with respect to the limits of Louisiana, contained in the second article of the Answer from England, is agreed to by France. The second

cond paragraph is neither just nor explicit, and it is finally proposed to express it in the following terms.

The intermediate Savage Nations between the Lakes and the Mississippi, and within the Line traced out, shall be neuter and independent under the protection of the King, and those without the Line on the side of the English shall be likewise neuter and independant under the protection of the King of England. The English traders also shall be prohibited from going among the Savage Nations beyond the Line on either side; but the said nations shall not be restrained in their freedom of commerce with the French and English, as they have exercised it heretofore.

III.

Although France is sensible how opposite it is to principles of conciliation, that the party which cedes should propose to the party who has conquered and would maintain the cession of possessions which are not perfectly known; though there is no doubt but that the manner which England requires is liable to innumerable difficulties, nevertheless the King, to testify his acquiescence in every expedient which may conciliate the two Crowns, is willing to declare to England, that he will guaranty the possession of Senegal and Goree to that Crown, provided England, on her part, will guaranty the possession of the settlements of Anamaboo and Akra, on the coast of Africa.

IV.

The fourth article of the Answer includes variety of objects, each of which requires a particular explanation.

England always endeavours to connect the liberty of fishing and of drying the fish on part of the coast of Newfoundland, granted by the fifteenth article of the Treaty of Utrecht, with the ninth article of the same Treaty, which stipulates the Demolition of Dunkirk: it is given in answer to England for the fourth and last time, that those two stipulations of the Treaty of Utrecht have nothing in common between them, unless that they are both comprized in the said Treaty; and that the concession expressed in favour of the French in the thirteenth article of that Treaty, is a compensation for the cession of Newfoundland and Annapolis Royal, made on the part of France to England by the twelfth and thirteenth articles of the same Treaty.

But to the end that the two Courts may clearly understand each other on this head, and for the furtherance of Peace, the King agrees to demolish the works which have been made for the defence of the port of Dunkirk since the Beginning of this war, to fill up the bason which contains the ships of war, and to destroy the buildings belonging to the rope-yard: but at the same time his Majesty will leave the trading port, which will not receive a frigate, subsisting for the good of England as well as for the benefit of France. She will also undertake not to suffer any maritime military establishment in that port; but the cunette shall be left standing round the place for the salubrity of the air, and the health of the inhabitants.

As to the fishery and the drying of fish on the Banks of Newfoundland, the King requires that the thirteenth article of the Treaty of Utrecht be confirmed by the present Treaty.

Concerning the condition proposed by England, with respect to the liberty of fishing in the Gulf of St. Lawrence, France agrees, that beyond the port of Newfoundland specified by the thirteenth article of the Treaty of Utrecht, the French (unless in case of accidents) cannot land on the coasts appertaining to the English in the Gulf of St. Lawrence, whether to dry their fish, or to spread their nets on the said coasts; but without these two exceptions the French shall be at liberty to fish, without molestation, in all parts of the said Gulf of St. Lawrence.

With respect to the cession of the island of St. Pierre, the smallness of that island, and its situation near Plaisance, make the King of opinion that such a shelter will be illusory, and will rather serve to breed contests between the two nations, than to procure the accommodations for the fishery of the French subjects.

The King had required the island of Cape Breton, or the island of St. John; his Majesty had even restrained himself to the little island of Conceau, and now makes the same proposition to his Britannic Majesty; or if the King of England, for reasons unknown to France, cannot agree to the cession of the isle of Conceau, it is proposed to add to the cession of St. Pierre, the islands of *Maquelon* or *Michelon*, two islands, of which one, which is St. Pierre, is but three leagues wide, and Michelon but two. However inconsiderable these two settlements may be, which do not properly make one, the King will accept of them, and will even oblige himself, 1. That neither in one or the other island, or in that of Conceau, if England cedes the latter, there shall be any military establishment; France will only maintain a guard of fifty men to enforce the police, which it will be necessary to maintain in those islands.

2. As far as possible, considering the weak guard of the police, the King will prevent all foreign vessels, even English, from landing at those Islands.

3. France does not pretend to fish and dry their fish on the Coast of Newfoundland, but in pursuance of the stipulation of the 13th Article of the Treaty of Utrecht, provided it be understood that the French may fish and dry their fish on the Coasts of St. Pierre and Michelon.

4. Lastly, the King allows, that an English Commissary shall be resident in the said Island, to be witness to the punctuality with which the stipulated condition of the Treaty shall be observed.

The partition of the four neutral Islands must be specified between the two Courts in the Preliminaries; France accepts the partition of those Islands proposed by England, provided that St. Lucia be declared to make part of the partition to be regulated in favour of France.

VI.

The King, without entering into any discussion of the 6th Article, agrees to this Article as well as to the 7th.

H

VIII.

VIII.

* The King, with regard to the 8th Article, refers to the 7th Article of his *Ultimatum*. It is not in his Majesty's power to evacuate countries, which appertain to his Ally the Empress Queen.

IX.

* The ninth Article of the Answer of England requires some explanation, for it is worded in such a manner as not to convey any precise meaning; it supposes respective Engagements on the part of the King towards the Empress, and on the part of England towards the King of Prussia, to which the two Courts are strangers. France does not suppose that the King of England can hinder the Allies of his Crown, such as the Sovereigns of Hanover, Cassel, and Brunswick, from joining their forces with those of the King of Prussia; but without entering into a needless discussion, the King is resolved, for the sake of peace, to make the most important sacrifices, and at the same time unalterably determined, to grant nothing in the future Treaty of Peace, which may be contrary to the stipulations he has entered into with his Allies. It is with their consent, and with mutual concert, that the King proposes to England, in relation to the war in Westphalia, the 10th Article of the Memorial of his Majesty's propositions, and the 7th and 13th Articles of the French *Ultimatum*. The King abides by these Articles in answer to the 8th and 9th Articles of the Answer of England; not refusing, nevertheless, to treat of any fresh propositions which England may make on these heads, which shall be communicated to his Majesty's Allies, and to which his Majesty will listen, with the consent of the Empress, if they are not contrary to his Majesty's engagements with that Princess.

X.

* France is of opinion that her proposition in relation to the Captures in which the King's subjects are interested, are so just, that she abides by them, and refers to the 12th Article of his Propositions on that head.

XI.

* The King, after signing of the Treaty, even of the Preliminaries, will give a Declaration under his hand, to the King of England, by which his Majesty will declare that his intention never was to bring the Towns of Ostend and Nieuport under his dominion.

XII.

* Provided that the terms of the Cessation of Hostilities may not be prejudicial to either Crown, France will agree to them.

XIII.

* France adopts the Negotiation between the India Companies of the two Nations, on condition that the Negotiation shall be concluded at the same time
* with

‘ with that between the two Crowns, and to that effect, each company shall enter upon their Negotiation without delay, and shall name Commissaries for that purpose.’

XIV.

‘ This Article will meet with no difficulty.
 ‘ The Court of England will do justice to the considerable Accommodations which the Court of France has testified in this Memorial, towards a reconciliation between the two Crowns.

It may be collected from this Memorial that the first Article of the English Answer was granted in the full extent which the Court of London required; France only desired eighteen months, instead of a year, for the emigration.

By granting the first part of the second Article, which cedes the whole current of the Ohio to England, France proposed in regard to the second point of that Article, to agree upon the nations which should be reputed neutral between Canada, Carolina, and Louisiana: This proposition was the more reasonable, because that by agreeing on this division of the possession of the two nations, an equitable system was adopted; discussions about the limits were prevented for the future, and France did not incur the risk of losing the colony of Louisiana, whenever it pleased the Court of London to invade it.

England, in her answer, persisted in requiring France to name the possessions which the king desired to have on the coast of Africa. The third Article satisfied that demand.

The King, in the fourth Article, agreed to the Demolition of Dunkirk, as far as it was possible; for it will not be practicable, as after the peace of Utrecht, to erect afresh a dam against the sea, which would inevitably carry it away presently. As to what remained, it was offered to demolish every thing at Dunkirk which had the appearance of a military port. Every one must be sensible how mortifying such a demolition must have been to France.

They agreed that the liberty of fishing in the Gulf of St. Laurence, and upon the banks and coasts of Newfoundland, should be the compensation for the Demolition of Dunkirk. They accepted the cession of the Isle of St. Pierre, on Conditions more than burthensome: the union of Michelon to St. Pierre was of the least consequence, and the D. de Choiseul even assured Mr. Stanley that such a cession would not be insisted on.

It is true the King rejected the inspection of the English Admiral, and that his Majesty was resolved rather to refuse the Possession of St. Pierre, than to agree to such an inspection, which was useless for the maintaining the stipulations of the Treaty, and injurious to the dignity of the French nation, as that condition seemed to be proposed only with a view to manifest, on the part of England, an ill-timed superiority.

The other Articles of the French Memorial explain of themselves, with sufficient precision, the sincere and pacific intentions of his Majesty.

The eighth and ninth Articles of the Answer of England, could not be agreed to in the form they stood; they required at least, especially the last, some explanation: For how could the King cause Germany to be evacuated by his

forces, and at the same time fulfil his engagement with the powers of the Empire his Allies? There was a manifest contradiction in this proposition. One might suppose that England intended, by the ninth Article, that France, after having evacuated Westphalia, should be at liberty to dispatch forces into Bohemia or Saxony to the aid of the Empress Queen. But not to mention that such a march would have been as difficult as destructive to the King's army, is it probable that his Majesty, however closely he may be connected with that Princess, should abandon his possessions in Germany, conquered from his real Enemies, to march his armies at a distance from his frontiers, without any communication, send his troops to the aid of this Ally, and make war upon the King of Prussia, who is not his direct enemy!

Such nevertheless was the proposition of England. The King, in his Memorial, repeated what he had said before, that the two Crowns should equally remain at peace in Germany, as in the other parts of the world, or that England should propose some plain and honourable method to conciliate his Majesty's good faith towards his Allies, with his Majesty's desire of contributing no farther to the war in Germany.

M. de Buffly remitted the Memorial of the 9th of September to Mr. Pitt, on the 13th of the same month, and without having received any answer to that Memorial on the part of the British Court, Mr. Stanley wrote to the D. de Choiseul the following Letter, and received the Answer underneath on the same day.

No. XXX.

Mr. Stanley's Letter to the Duke de Choiseul, of the 20th September, 1761.

S I R,

I Have the honour to inform your Excellency, pursuant to the orders I received yesterday from my Court, that as the Court of France has not agreed to accept the Propositions contained in the last Answer from the British Court, the King my Master has ordered me to request a passport of you, to return to England; my Court expects also, that M. Buffly will, on his part, receive the same orders.

As the state of war has no influence over the personal sentiments of the King of England, with regard to their Most Christian Majesties, he is persuaded that they will take part in the event of his marriage, and I have letters in my hands by which he communicates that happy event to their Majesties. I have the honour to send your Excellency the copies, and I take the liberty, Sir, to consult your better intelligence, to inform myself of the most suitable manner of remitting these Letters, in pursuance of my Credentials, and according to the established custom of your Court.

I have the honour to be, &c.

Signed Stanley.

No. XXXI.

The Duke de Choiseul's Answer to Mr. Stanley, the 20th September, 1761.

S I R,

THE King has ordered me, Sir, to expedite the passports which are necessary for your return to England: you will find them annexed. M. Buffy had orders to demand an Eclaircissement with respect to the last Answer from England, and to return to France if those Eclaircissements were not favourable. They have certainly been otherwise, since your Court has anticipated his return by your recall. However it be, Sir, his Majesty hopes that some more happy opportunity will produce more effectual inclinations to peace, and he has charged me to observe to you, that you may assure the King of England, that he will always find him disposed to renew the Negotiation, and to consent to equitable conditions, which may establish a firm union between the two Crowns.

The King most sincerely takes part in the marriage of the King of England; if you will send me the Letters from his British Majesty, I will remit them to their Majesties.

I have the honour to be, &c.

Signed Le Duc de Choiseul.

At the same time M. de Buffy understood at London, that a Courier had been dispatched to recal Mr. Stanley, he explained himself on that occasion; and after the British Ministry had confirmed the fact, he desired, agreeable to the orders he had received, the necessary Passports to return to France.

Thus the Negotiation between the two Crowns has been broken off. They who talk so readily, and upon all occasions, that *We must make Peace*, do not consider, that however well disposed a Sovereign may be for the re-establishment of tranquillity, his desire cannot be effectual, but when it is equally sincere on the part of the other Belligerent Powers; and it will be admitted, on reading this Memorial, that the King has omitted nothing to come to an Accommodation; no one can say, that his Majesty's Allies have occasioned the rupture of the Negotiation. It has been proved, that the war which the King maintains in Westphalia, is a war purely English, that it brings no advantage either to the Empresses, or to Sweden, or to Saxony; besides, the Proposition made by France, not to afford any succours, either direct or indirect, to her Allies in Germany, evidently demonstrates that the war in Westphalia neither has been, or could be, an impediment to the Peace.

England and some other courts would pretend that the engagements of the King with his Catholic Majesty, and the proposition made by France to conciliate the differences of Spain with England at the same time with those which were the principal object of the Negotiation, had so disgusted the court of London, that for that reason only she refused the terms for the conclusion of peace. It is true, as has been shewn already, that the British Minister haughtily rejected

the expedient which his Majesty's prudent precaution induced him to suggest to England, with a view to conclude a firm peace, and to entirely obviate all obstacles which might oppose the continuance of that tranquillity which his Majesty laboured to re-establish; it is true likewise, that since the first Memorial of France, there was no farther notice of the differences of Spain in the proposition made by the Court of Versailles to that of London: his Catholic Majesty has even declared to the King, that if the objects which concerned the Spanish Monarchy should embarrass the negotiation and retard the peace, he agreed that those points should be no farther negotiated on the part of his Majesty. In fact, to repeat it once more, since the first Memorial of France, there has been no more mention of Spain. It cannot be imagined therefore, that the interests of his Majesty's Allies have proved an obstacle to the pacification. It remains therefore to examine whether the Negotiation has been broken off with respect to the articles which are the subjects of the particular discussion between the two Crowns.

It is necessary to recollect here, agreeable to the representation in the opening of the Memorial, what were the possessions acquired since the commencement of the war between the two Crowns, to the time when the Negotiation was entered upon, on the basis of the *Uti possidetis*.

England had conquered from France in North America, Canada, and the isles Royal and St. John, situate in the Gulf of St. Laurence: in South America, the isles of Guadaloupe and Marigalante: in Africa, Senegal, and the island of Goree: in Asia, Pondicherry and the French settlements on the coast of Comorandel.

In Europe, the island of Belle-isle, attacked since the opening of the Negotiation, and subsequent to the epochs of *Statu Quo*, proposed by the Court of France.

The *Uti possidetis* of France comprized in Asia, the English settlements on the coast of Sumatra, and other advantages on the side of the Mogul, of which they had yet received but imperfect accounts. In Europe, the island of Minorca, the Landgraviate of Hesse, the country of Hanau, and the town of Gottingen in the Electorate of Hanover. Lastly, France had re-established, or could have availed herself of the liberty which the infraction of the Treaty of Utrecht gave her, to re-establish the port of Dunkirk.

The King offered to guaranty Canada to the English in the utmost extent which the Court of London required.

His Majesty proposed that the right of fishing and of drying their fish on the Coast and on the Banks of Newfoundland should be confirmed to France, and on that condition she consented to the Demolition of Dunkirk.

The King proposed to restore the island of Minorca to England, for the cession of Guadaloupe and Marigalante.

His Majesty agreed to evacuate Hesse, the County of Hanau, and Gottingen, provided that one of the two Settlements she had lost in Africa were restored to her.

The Indian companies of the two nations were to treat concerning their particular pacification, agreeable to their reciprocal interests.

If

If the reduction of Belle-Isle should be acknowledged a legal conquest, though undertaken after the proposition of *Uti possidetis*, France agreed that the possession of that important island should remain to England.

Who can pretend to say, after the foregoing representation, that France has not scrupulously pursued, in all her propositions, the principle of her Memorial of the 26th of March! Can any one, at the same time, deny that the compensations offered by the King, were not as advantageous for England as she could desire?

Therefore it evidently follows, that the Allies of France in Germany could have been no obstacle to the peace, since they take no part in the war which is carried on in Westphalia, nor are assisted by the King's forces in the war maintained in Saxony, Silesia, and Pomerania. Moreover, it was proposed to England, on the part of France, that the two Courts should absolutely withdraw themselves from the war.

It is equally demonstrable, that Spain cannot be alledged to have been an impediment to the pacification, as the King did not renew the Proposition he made to unite the accommodation of the differences of that Crown with the Treaty under Negotiation between the Courts of Versailles and London, and his Catholic Majesty approved of their silence in this behalf.

It is certain, that the conditions and compensations offered by France, for the conclusion of a separate Peace with England, are all for the advantage of the latter Power; that the Court of London, had she been inclined to Peace, could not make claims beyond her Conquests; and that the Court plainly and clearly gave up every thing which was not compensated by some restitution on her part.

This detail necessarily leads to the question, which the whole universe, that suffers by the miseries of war, must necessarily make: What then has been the motive of the rupture of such an important Negotiation? That motive has no other principle than the positive aversion of the Court of London to Peace: it has proved impossible to infuse a conciliating spirit into a Court resolved to perpetuate the War, and less influenced by the real interests of the kingdom and the destruction of the human species, than inflated with the success she has had, and greedy of those advantages she has farther in view.

It is with regret that the King finds himself obliged to continue an opposition by force to the progress of the ambitious designs of his enemies, and under an impossibility of procuring his people that repose which his Majesty wished, for their welfare. The King trusts, that Providence will disappoint those vast projects, which England scarce endeavours to disguise, and which threaten the security of every Potentate. His Majesty, invariable in his pacific dispositions, will be always ready to concur in every expedient which may be judged proper to re-establish the public tranquillity, and will make no difficulty of sacrificing, even his own interests, to the glory and consolation of restoring Peace to his kingdom and to Europe.

By Order of the King,

Signed LE DUC DE CHOISEUL.

C O N.

C O N T E N T S.

<i>Introduction</i>	<i>Page 3—6</i>
No. I. <i>Declaration of their Prussian and Britannic Majesties</i>	6
No. II. <i>Counter Declaration of his Most Christian Majesty</i>	7
No. III. <i>The Declaration of his Most Christian Majesty</i>	8
No. IV. <i>Letter from the Duke de Choiseul to Mr. Pitt</i>	9
No. V. <i>Memorial of the Christian King</i>	10
No. VI. <i>Mr. Pitt's Letter to the Duke of Choiseul</i>	12
No. VII. <i>The Memorial of his Britannic Majesty, of the 8th of April 1761</i>	13
No. VIII. <i>Letter from the D. de Choiseul to Mr. Pitt</i>	15
No. IX. <i>The Memorial of his Most Christian Majesty, of the 9th April 1761</i>	16
No. X. <i>Mr. Pitt's Letter to the D. de Choiseul</i>	17
No. XI. <i>The Memorial of his Britannic Majesty of the 28th of April, 1761</i>	18
No. XII. <i>Letter from the D. de Choiseul to Mr. Pitt</i>	19
No. XIII. <i>Another Letter from the D. de Choiseul to Mr. Pitt, of the 4th of May, 1761</i>	ib.
No. XIV. <i>Mr. Pitt's Answer to the D. de Choiseul, of the 11th May, 1761</i>	20
No. XV. <i>Another Letter from Mr. Pitt to the D. de Choiseul, of the 11th May, 1761</i>	21
No. XVI. <i>The Memorial of the British Minister of the 17th June, 1761</i>	23
No. XVII. <i>The French Memorial, 15th July, 1761</i>	27
No. XVIII. <i>The private Memorial of France, of 15th July, 1761, relating to Spain</i>	33
No. XIX. <i>M. Buffy's Note to Mr. Pitt</i>	35
No. XX. <i>Mr. Pitt's Letter to M. Buffy, 24th July, 1761</i>	36
No. XXI. <i>The Answer of the British Court to the Memorial of French Propositions, 29th July, 1761</i>	37
No. XXII. <i>Ultimatum of France, in reply to that of England, of 5th of August, 1761</i>	40
No. XXIII. <i>M. Buffy's Letter to Mr. Pitt, 5th August, 1761</i>	43
No. XXIV. <i>Note of the Spanish Ambassador to Mr. Pitt</i>	44
No. XXV. <i>Memorial concerning the Vessels taken before the War</i>	46
No. XXVI. <i>Mr. Pitt's Letter to M. Buffy, 15th August, 1761</i>	48
No. XXVII. <i>M. Buffy's Answer to Mr. Pitt, 16th August, 1761</i>	49
No. XXVIII. <i>The Answer of England to the Ultimatum of France, received the 1st September, 1761</i>	50
No. XXIX. <i>The last Memorial of France to England, 9th September, 1761</i>	55
No. XXX. <i>Mr. Stanley's Letter to the D. de Choiseul, of the 20th September, 1761</i>	60
No. XXXI. <i>The D. de Choiseul's Answer to Mr. Stanley, the 20th September, 1761</i>	61